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JOURNAL

OF THE

L. F. 3000

HOUSE OF REPRESENTATIVES.

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE
THIRD MONDAY IN NOVEMBER, 1893.

BEING THE FIFTEENTH ANNUAL SESSION

OF

THE GENERAL ASSEMBLY OF SAID STATE.

Tuscaloosa:
MAY AND FERGUSON,
STATE PRINTERS.

1893.

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

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Monday, November 18th, 1833.—On Monday the 18th day of November, in the year of our Lord, one thousand eight hundred and thirty-three, the following members of the House of Representatives appeared in the State Capitol in the town of Tuscaloosa, it being the day fixed by law for the meeting of the General Assembly, were qualified and took their seats, to wit:

From the County of Autauga—Samuel S. Simmons and Dickson Hall, jr.

From the County of Baldwin—Joseph Hall.

From the County of Bibb—James W. Davis and John E. Sumners.

From the County of Blount—William H. Musgrove and Samuel Johnson.

From the County of Butler—Edward Bowin.

From the County of Clarke—John G. Creagh.

From the Counties of Conecuh and Covington—Samuel W. Oliver and Watkins Salter.

From the County of Dallas—Ethelbert W. Sanders, Jesse Beene and George W. Gayle.

From the County of Franklin—John L. McRae and Benjamin Hudson.

From the County of Fayette—William S. Taylor.

From the County of Greene—Albert C. Horton and Wm. T. Fortson.

From the Counties of Henry and Dale—Abner Hill.

From the County of Jackson—Henry Norwood, Phillip H. Armbrister, Edwin H. Webster and Samuel McDavid.

From the County of Jefferson—John Brown (Red) and Hugh M. Carithers.

From the County of Lawrence—John J. Ormond, John Stewart and John H. Lawson.

From the County of Limestone—Richard B. Brickell, Archibald Harris and William Sanders.

From the County of Lauderdale—James Jackson, Samuel Harkins and Cornelius Carmack.

From the County of Madison—William Fleming, George T. Jones, Samuel Walker and Arthur F. Hopkins.

From the County of Morgan—Robert F. Houston.

From the County of Marion—Durrel U. Hollis and George Brown.

From the Counties of Montgomery and Lowndes—Robert J. Ware and Alfred V. Scott.

From the County of Marengo—John Rains.

From the County of Monroe—Samuel Dubose, Benjamin F. Porter and John Morrisett.

From the County of Mobile—William R. Hallett and Henry Chamberlain.

From the County of Perry—William S. Mirce, Columbus W. Lee and John Barron.

From the County of Pike—W. Fitzpatrick Evans.

From the County of Pickens—Reuben Gardner.

From the County of St. Clair—Charles C. P. Farrar and John Massey.

From the County of Shelby—James M. Nabors and George Hill.

From the County of Tuscaloosa—Marmaduke Williams, Thomas Williams, Harvey W. Ellis and Jolly Jones.

From the County of Washington—Erasmus G. Collier.

From the County of Wilcox—Simeon S. Bonham and Claudius M. Pegues.

On motion of Mr Musgrove, Mr M. D. Williams was called to the chair, and Thomas B. Tunstall, appointed clerk *pro tem*.

Elijah Price, a representative elect from the county of Sumpter, appeared within the bar of the house, presented his credentials as the member elect from said county. Mr Hudson moved that the document lie on the table; which was agreed to.

The house then proceeded to the election of a speaker. Samuel W. Oliver, a representative from the county of Conecuh, and John J. Ormond, a representative from the county of Lawrence, being in nomination.

Those who voted for Mr Oliver are, Messrs Barron, Beene, Bonham, Bowin, Brown of M., Davis, Dubose, Fleming, Fortson, Evans, Gayle, Harkins, Hall of B. Hill of H. and D., Hollis, Horton, Houston, Hudson, Jackson, Jones of T., Lee, Mirce, Musgrove, Nabors, Pegues, Porter, Salter, Sanders of D., Scott, Simmons, Sumners, Taylor, Ware, M. D. Williams and T. Williams.

Those who voted for Mr Ormond are, Messrs Ambrester, Brickell, Brown of J. Carithers, Carmack, Chamberlain, Collier, Creagh, Farrar, Ellis, Gardner, Hall of A. Hallett, Harris, Hill of S., Hopkins, Johnson, Jones of M., Lawson, Massey, McDavid, McRae, Morrisett, Norwood, Rains, Sanders of L., Stewart, Walker and Webster.

Samuel W. Oliver, having received a majority of the votes, was declared duly elected; was conducted to the chair, made his acknowledgments to the house for the honor conferred; was qualified, and entered upon the discharge of the duties of his office.

The house then proceeded to the election of a principal clerk: whereupon Thomas B. Tunstall was duly elected; was qualified and entered upon the discharge of the duties of his office.

The house then proceeded to the election of a doorkeeper: whereupon John Tatom was duly elected; was qualified and entered upon the discharge of the duties of his office.

The house then proceeded to the election of a messenger: whereupon James Rather was duly elected; was qualified and entered upon the discharge of the duties of his office.

The house then proceeded to the election of an assistant clerk. John C. Thompson, Armon Pfister, Jefferson Van Dyke, — Jenkins and — Davis, being in nomination.

Those who voted for Mr Thompson are, Messrs Ambrester, Brickell, Brown of M. Carmack, Farrar, Fleming, Harkins, Hall of B. Harris, Hill of H. Hollis, Hopkins, Houston, Hudson, Jackson, Jones of M. Lawson, McDavid, McRae, Musgrove, Norwood, Ormond, Porter, Sanders of D., Sanders of L., Simmons, Stewart, Walker, Ware and Webster.

Those who voted for Mr Pfister are, Messrs Brown of J. Carithers, Chamberlain, Collier, Creagh, Davis, Ellis, Gardner, Hallett, Johnson, Jones of T. Massey, Sumners, Taylor, M. D. Williams and T. Williams.

Those who voted for Mr Van Dyle are, Messrs Beene, Evans, Gayle, Hall of A. Horton, Nabors and Rains.

Those who voted for Mr Jenkins are, Messrs Speaker, Bonham, Bowin, Dubose, Morrisett, Pegues and Scott.

Those who voted for Mr Davis are, Messrs Barron, Fortson, Hill of S. Lee, Mirce and Salter.

No one of the candidates having received a majority of votes, the house proceeded again to the election, the names of Messrs. Jenkins and Davis being withdrawn.

Those who voted for Mr. Thompson are, Messrs. Ambrester, Barron, Bonham, Bowin, Brickell, Brown of M. Carmack, Dubose, Farrar, Fleming, Fortson, Gardner, Watkins, Hall of B. Harris, Hill of H. Hollis, Hopkins, Houston, Hudson, Jackson, Jones of M. Lawson, M'David, M'Rae, Mirce, Musgrove, Norwood, Ormond, Pegues, Porter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Walker, Ware and Webster.

Those who voted for Mr. Pfister are, Messrs. Brown of J. Carithers, Chamberlain, Collier, Creagh, Davis, Ellis, Hallett, Hill of S. Johnson, Jones of T. Lee, Massey, Morrisett, Sumners, Taylor, M. D. Williams and T. Williams.

Those who voted for Mr. Vandyke are, Messrs. Speaker, Beene, Evans, Gayle, Hall of A. Horton, Nabors, Rains and Salter.

Mr Thompson having received a majority of votes, was declared duly elected, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an engrossing clerk. Francis H. Ford and ——— Box being in nomination.

Those who voted for Mr. Ford are, Messrs. Ambrester, Barron, Beene, Bonham, Bowin, Brickell, Brown of J. Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Farrar, Fleming, Fortson, Ellis, Evans, Gardner, Gayle, Watkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Lawson, Lee, Massey, M'David, McRae, Morrisett, Musgrove, Nabors, Norwood, Ormond, Pegues, Porter, Rains, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Walker, Ware, Webster and T. Williams.

Those who voted for Mr Fox are, Messrs. Speaker, Brown of M. Dubose, Hollis, Mirce, Salter, Taylor and M. D. Williams.

Mr Ford having received a majority of votes, was therefore declared duly elected engrossing clerk, was qualified and entered upon the discharge of the duties of his office.

On motion of Mr Musgrove: *Resolved*, That the senate be informed that the house of representatives have organized, and have elected the Hon. Samuel W. Oliver speaker; T. B. Tunstall principal clerk; John Tatom doorkeeper; James Rather messenger; John C. Thompson assistant clerk; and Francis H. Ford engrossing clerk; and are now ready to proceed to business. *Ordered*, That the clerk acquaint the senate therewith.

On motion of Mr M. D. Williams: *Ordered*, That the rules of the last session be adopted as the rules of the present session until otherwise altered; and that eighty copies thereof be printed for the use of the house.

On motion of Mr M. D. Williams: *Resolved*, That the following standing committees be appointed, to wit:

- A committee on privileges and elections;
- A committee on propositions and grievances;
- A committee on enrolled bills;
- A committee on inland navigation;
- A committee on roads, bridges and ferries;
- A committee on ways and means;
- A committee on the military;
- A committee on lands appropriated for internal improvement;
- A committee on the judiciary;

- A committee on county boundaries;
- A committee on education;
- A committee on accounts;
- A committee on divorce and alimony;
- A committee on the State Bank;
- A committee on the State capitol;
- A committee on Indians and Indian affairs.

And then the House adjourned until to-morrow morning at 10 o'clock.

Tuesday, November 19, 1833.—A message was received from the senate by Mr Conner, their secretary: Mr Speaker—I am instructed by the Senate to inform the House of Representatives, that a quorum of that body has convened; that they have elected the honorable John Erwin, of Greene, president; Charles D. Conner, of Marengo, secretary; Thomas B. Childress, assistant secretary; and James A. Bates, doorkeeper; and are now ready to proceed to business. *Ordered,* That said message lie on the table.

Mr Farrar presented the petition of sundry citizens of St. Clair county, praying the passage of a law to compel the judge of the county court of said county to reside within five miles of the seat of justice of said county; which was read and referred to a select committee; whereupon Messrs. Farrar, Massey and Hill of Shelby, were appointed said committee to consider and report thereon.

Mr Fleming presented the petition of the officers of the 33d regiment of Alabama militia, praying an alteration of the militia laws, which was read and referred to the military committee.

Mr Speaker laid before the house the report of the commissioners appointed to examine into the affairs and condition of the Branch of the Bank of the State of Alabama located at the town of Montgomery; which report is in the words and figures following, to wit:

To the Honorable the Speaker of the House of Representatives of the Legislature of Alabama.
The commissioners appointed by the governor to examine the transactions of the branch of the Bank of the State of Alabama, located at Montgomery, in pursuance of the act of the 14th January, 1833, entitled "an act to provide for the examination of the Bank of the State of Alabama and its several branches," have the honor to make the following report:

The commissioners met at the Banking house, on Monday the 21st of October, and proceeded to examine all the books and papers kept by the different officers of the bank since the commencement of the institution, and they take pleasure in reporting, that they found them all very neatly, and they believe, properly and correctly kept.

The commissioners did not undertake to make every calculation of figures; but was so far as to satisfy themselves that all the books were correct; and they believed the officers employed in the bank, to be honest, capable and very attentive to their duties. They find, on an examination of the affairs of the bank, made up to incl. the 31st day of October, (in which they believe to be correct,) that the bank is liable for notes in circulation in the sum of two hundred and ninety-six thousand nine hundred and three dollars, and to the amount due individual depositors, twenty thousand and seven hundred and thirty three dollars 18-100; to the amount standing to the credit of the different banks, the sum of sixty-nine thousand and sixty-eight dollars 99-100; also for the amount deposited to the credit of the common school for twenty-three thousand four hundred and eighty-three dollars 42-100; making the bank liable for the sum of \$413,183 99-100, exclusive of the capital stock of five hundred thousand dollars. The bank at the same time possesses the means to meet any demands upon it; in specie, the sum of ninety thousand fifteen dollars 88-100; of the United States and other specie paying banks, twenty-eight thousand nine hundred and forty-three dollars, bills of exchange arriving every few days at maturity for the sum of four hundred and thirty-five thousand and ten dollars 63-100; not discounted, and on which partial payments are making nearly every week, the amount of four hundred and forty-two thousand two hundred and fifty-sixen dollars 40-000, and also the sum of thirty-one thousand four hundred and three dollars 8-100, due from the Phoenix bank in New-York, which amount to \$1,027,630 71-100.

From the above statement, the commissioners come to the conclusion, that the bank is abundantly able to meet all the demands that may be made upon it. They are informed that there is very little call for specie. The banks in Mobile are in the practice of sending home large amounts of the bills of this bank, but this institution has had no difficulty in meeting them with funds in Mobile, or by disposing of bills of exchange they hold falling due in Mobile, at the rate of six per cent. interest per annum. On an examination of the notes discounted, and bills of exchange purchased by this institution, the commissioners believe that there is not a dollar that can be said to be really bad, and not more than twenty-five hundred or three thousand dollars, that might be considered doubtful. In coming to this important conclusion, the commissioners have been governed by statements made by the president, cashier and some of the directors, and the very general acquaintance, they themselves possessed, of the ability of a large majority of the customers of the bank.

They find, by a statement made to them by the cashier, that all the notes and bills of exchange in suit, amount only to the small sum of thirteen thousand three hundred and three dollars.

The commissioners went into a minute examination of the "Minutes Book" of the board of directors, and found their proceedings properly recorded, and are pleased to state that they show the directors have taken a very great interest in the general welfare and proper management of the institution.

They find, upon a review of the charter of this bank, that the legislature appropriated a sum not exceeding five thousand dollars for a banking house, which sum has been found insufficient for that purpose, and they find the sum of seven thousand seven hundred and fifty-one dollars 15-100, has been paid and charged on the books of the bank to "banking house and lot." The commissioners would respectfully recommend to the legislature the appropriation of a further sum sufficient to cover the cost of the house and lot.

They would further respectfully recommend to the legislature some alteration or amendments to the present charter of this bank, by which they believe the institution can, and will be much more serviceable and convenient to the community, and more profitable to the State.

The second clause of the fourth section of the charter says, "That the Bank shall discount notes at six per cent." So amend this clause, as to give the bank the power to discount notes, made payable and negotiable at said bank, that have not longer than six months to run, at a rate of interest not exceeding six per cent. per annum. Notes, having from six to nine months to run, may be discounted at seven per cent. per annum; and all notes that have from nine to twelve months to run, may be discounted at the rate of eight per cent. per annum. The same clause further says, "No individual, &c. shall be indebted, by discount or other wise, in a greater sum than two thousand dollars." So amend this clause, as to allow the bank the privilege of discounting what is usually termed in bank, "business paper," and confine the limitation to accommodation paper having twelve months to run.

In making these suggested alterations in the charter of this bank, the commissioners have taken into view the great inconvenience, as well as expense, some of the customers of this bank have to contend with in making partial payments on accommodation notes, and they find a great many protests are made for failing to pay the curtailments on the day they become due, which in most cases they believe to be owing to the persons forgetting, or not knowing, the very day.

They view the second amendment proposed, as of much consequence to the community in the vicinity of this bank, believing, as they do, that paper made upon a *bona fide* trade or contract, is not only the best and safest, but will be more punctually met than any other, consequently, it is the best paper a bank can trade in. If the legislature should view these alterations in the same light as viewed by the commissioners, they would further suggest that they are made before the 1st of January, 1834, that the new operation may commence on that day.

In closing this report, the commissioners feel it a duty they owe to the President, Directors and officers in the bank, to say, that they rendered them every assistance in their examination that could be wished or expected, and appeared desirous to have every thing fully and properly examined.

All which is respectfully submitted by the commissioners.

J. GOLDTHWAITE, Chairman,
BENJAMIN FITZPATRICK,
JAMES ABERCROMBIE.

November 14, 1833.

Ordered, That said report lie on the table; and that two hundred and fifty copies be printed for the use of the house.

A message was received from the senate by Mr Conner, their secretary: Mr. Speaker—The senate have adopted the following resolution: *Resolved*, That a committee be appointed to wait on his excellency, the governor, and inform him of the organization of the two houses of the general assembly, and of their readiness to receive any communication he may wish to make, and have appointed Messrs. Morton, Lyon and Hogan a committee on the part of the senate; in which resolution the house concurred; whereupon, Messrs. Fleming, Sanders of L. and Walker were appointed said committee.

Mr Speaker laid before the house a communication from John Arnett, sheriff of Lauderdale county, in relation to the election of governor; which was read. *Ordered*, That said communication lie on the table.

Mr Jackson presented the report of the Tennessee Canal Commissioners; which was read. *Ordered*, That said report lie on the table, and that five hundred copies thereof be printed for the use of this House.

On motion of Mr Brickell: *Resolved*, That the several editors of the several newspapers published in this town be authorized to take seats within the bar of the house, for the purpose of reporting the proceedings thereof.

Mr Lawson introduced a memorial of the general assembly of the State of Alabama to the congress of the United States in relation to the sales of public lands; which was read and ordered to a second reading.

Mr Jackson presented the petition of Benjamin Sherrod and others, purchasers of university lands; which was read and referred to a select committee; whereupon Messrs. Jackson, Hudson, M'Rae, Lawson and Hopkins were appointed said committee.

Mr Jackson presented the account of the sheriff of Lauderdale county; which was read and referred to the committee on accounts.

On motion of Mr Porter: *Resolved*, That a committee consisting of the delegation from the counties of Mobile, Clarke, Conecuh, Wilcox, Washington and Monroe, be appointed to inquire into the expediency of establishing a branch of the State bank at the town of Claiborne, in the county of Monroe, and that they be instructed to frame such a bill as may be deemed expedient.

On motion of Mr Houston: *Resolved*, That the doorkeeper be authorized to purchase fuel and stationary for the use of the house during its present session.

On motion of Mr Harkins: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of authorizing and requiring by law, the sense of the people to be taken on the propriety of establishing a penitentiary in this State, with leave to report by bill or otherwise.

On motion of Mr. Beene: *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of vesting the three per cent. fund belonging to the State in slaves, for the use of the State, to be employed in such works of internal improvement as the legislature from time to time may think proper to adopt.

Mr McRae offered the following resolution: *Resolved*, That a committee of eight members be appointed, one from each judicial circuit, to draft a bill apportioning the senators and representatives of the State, as provided for by the State constitution. Mr Morrisett moved that the further consideration of the resolution be postponed until Monday next; which was lost. It was then adopted; whereupon Messrs McRae, Rafter, M. D. Williams, Sanders of D. Porter, Hill of H. and D. Rains and Ware were appointed said committee.

Mr. Carmack presented the petition of the inhabitants in township No. 1, in range No. 12 west, in the county of Lauderdale, praying the passage of a law to authorize the sale of the 16th section in said township; which was read and referred to the committee on education to consider and report thereon.

Mr. Brickell presented the petitions of Reuben Tilman and Thomas Lockhart, of Limestone county, praying the passage of a law to emancipate certain slaves therein named; which were read and referred to the committee on emancipation.

Mr. Brickell presented the petition of sundry citizens of Limestone county, praying that the election precinct established at the house of captain John Wofford be discontinued, and that an election precinct be established at the house of William Adams; which was read and referred to the committee on privileges and elections.

Mr. Brickell introduced a bill to repeal an act entitled an act to amend the several acts relating to the sixteenth sections; which was read and ordered to a second reading.

Mr. McRae presented the memorial of John Cockrill, a citizen of Franklin county, asking relief; which was read and referred to the committee on propositions and grievances.

Mr. Fleming made the following report: The joint committee of the two houses appointed to wait on the governor and inform him of the organization of the two houses of the general assembly, and of their readiness to receive any communication he might think proper to make, have performed the duty assigned them, and received for answer from the governor, that he would make a communication in writing to the two houses this day at the hour of 12 o'clock. *Ordered*, That said report lie on the table.

Mr. Carmack presented the petition of Richard Darby, of Lauderdale county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation.

Mr. Webster presented the petition of Henry F. Scruggs and others, of Jackson county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation to consider and report thereon.

Mr. Chamberlain introduced a bill to be entitled an act to amend an act entitled an act for the relief of master builders and mechanics of the State of Alabama, passed June 15th, 1821; which was read and ordered to a second reading.

Mr. speaker laid before the house the record and proceedings of the circuit court of Mobile county, exercising jurisdiction in chancery, in the case of Laura Bell against William Bell, for divorce; which was read and referred to the committee on divorce and alimony.

Mr. Norwood presented the account of the jailer of Jackson county; which was read and referred to the committee on accounts.

On motion of Mr. Sumners: *Resolved*, That a select committee be appointed to ascertain the sums due to each of the census takers in this State appointed under an act of the general assembly, approved the 11th of January, 1833, and that they be instructed to report a bill making an appropriation for the payment thereof; whereupon messrs. Sumners, Musgrove and Johnson were appointed said committee.

An annual communication was received from his excellency the governor by James I. Thornton, secretary of State, which he handed in at the speaker's chair, and then withdrew; which communication is as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa, November 19, 1833.

Fellow Citizens of the Senate and of the House of Representatives:

In commencing the important duties, which, as representatives of a free people, you are called upon to discharge, it must be a source of satisfaction to learn, that during the past year, every section of the State has been blessed with a degree of prosperity, that has not been surpassed at any former period.

While an able and efficient administration of the laws, by an enlightened and independent judiciary, has secured to our citizens the blessings of civil liberty, a fertile soil and propitious seasons, have supplied them with all the necessaries and comforts of life.

The same exemption from disease, by which our State has heretofore been distinguished, is every where exhibited, and our gratitude to the Author of all good, in an especial manner, is demanded, for having diverted from our people a pestilence, which, in its fatal progress, has desolated so many countries, and swept away so many millions of our species. The general competence and increasing prosperity of our fellow citizens; our soil of almost inexhaustible fertility; our navigable streams and salubrious climate; our active and prosperous commerce; the busy scenes of industry and enterprise, which are beheld in every direction, and our mild and equal system of laws bespeak us, at once, the freest and happiest people on the face of the globe, and cannot fail to inspire us with reverence and devotion towards that Being to whose wisdom and goodness we are indebted for blessings so signal and inestimable.

The resolutions in relation to the line between Georgia and this State, have been transmitted to the governor of the former, and his letter in answer to mine of the 27th March, contains assurances that the propositions which they contain, will be met by the authorities of Georgia, in a spirit of liberality and friendly compromise. He will refer the subject to the legislature of that State, and I shall probably be able to lay before you the result of their deliberations during your present session. The correspondence between governor Lumpkin and myself is herewith submitted.

In my last annual communication, I recommended the establishment of a penitentiary as the best and most efficient means of providing a criminal code, which, according to the behests of the constitution, should be "founded on the principles of reformation, and not of vindictive justice." My reflection and experience, since that period, have added strength and confidence to the opinions then advanced, and I beg leave, with increased earnestness and solicitude, to urge that the work of improvement in our criminal jurisprudence be no longer delayed. In forming a system of criminal law, a just proportion between punishment and crime should not be overlooked. Surely if the demands of public justice can be satisfied by inflicting death for the crime of murder, milder punishments should be prescribed for those offences which amount only to frauds against individuals and society. There is an immeasurable distance between forging the name of an individual, for a small sum of money, and taking his life; and yet these offences, by our laws, are of equal grade, and placed upon the same footing. In assigning appropriate punishment to the variety of offences which it is the policy and duty of all governments to suppress, the *whipping post*, the *pillory*, and the *branding iron*, have been found totally inadequate to the great purposes of prevention and reformation. They have, with unerring certainty, been traced to those remote periods when the harsh features of savage society had received no mitigation from the hand of modern civilization and refinement; and when they were doubtless invented as the

instruments, not of justice, but of cruelty and revenge. In several of the States of the Union they have been laid aside as unworthy the enlightened period in which we live, and condemned as being incompatible with our free institutions. The penitentiary system, from the experience of many years, has been found eminently successful in obviating the difficulties, which previous efforts have failed to overcome, of meteing out the punishment due to every grade of offence; and the future historian will not fail to advert to it as the proudest triumph of humanity which the present age can boast.

It can no longer be regarded as a doubtful experiment. Those States, in which it has been adopted, find that it answers fully all the purposes for which it was intended. Other States are about imitating their example and it is believed that Alabama should no longer hesitate to enter upon a work promising such happy and beneficial results.

The annual report of the board of trustees of the University embraces a clear and perspicuous view of the pecuniary transactions of that institution. This document is transmitted for the inspection of the general assembly.

The department of instruction has been conducted in the most able and satisfactory manner. Several young gentlemen were graduated at the end of the last collegiate year, and their final examination was such as to afford satisfactory evidence that they took leave of their scholastic pursuits with an education that would not suffer by a comparison with that which is obtained at the higher grades of colleges in the United States. The police of the institution is upon a footing to insure harmony and good order, and the discipline which has been established aims at the moral as well as literary advancement of the students. The provision, which the trustees have made, for giving tuition gratuitously to one student of promising character and indigent circumstances, from each county in the State, is worthy of more general attention. Should each county avail itself of this privilege, the blessings of education would be extended more widely through the State, and extended too to those whose talents might otherwise, in a great measure, be lost to the community.

The University is, on the whole, in a flourishing and highly prosperous condition, and under the management of the professors who have been selected to take charge of its interests, the hopes and expectations of its friends and the public will doubtless be fully realized. It cannot but be a source of pride and pleasure to the citizens of the State generally, that an institution promising so many blessings and benefits to the present and future youth of the country, has, at a period thus early in our history, been established and brought into successful operation. It should, as it doubtless will, receive the vigilant attention and guardian superintendence of the Legislature, in whose hands its destinies have been placed.

By virtue of the acts passed by the general assembly, at their last session, to establish branches of the State bank in the city of Mobile and in the Tennessee valley, and to increase the capital stock of the branch bank at Montgomery, George Gaines, Esq. who was appointed the agent of the State, to sell the State bonds, or certificates of State stock, proceeded without delay to the northern cities, and on the third of April effected a sale at their par value, to the amount of one million seven hundred and fifty thousand dollars, to J. D. Beers & Co. of the city of New York, and Thomas Wilson of & Co. of London. By the terms of the sale, payment was to be made in ten instalments, commencing on the 22d May, and ending on the 4th October of the present year, all of which have been punctually paid.

This sum was so divided as to give the branch at Mobile one million of dollars; the branch at Decatur a half million of dollars, and that at Montgomery two hundred and fifty thousand dollars. The two former of these went into operation as soon as arrangements could be made, and they are now in active operation.

In this contract, it was agreed, that a preference in the purchase of the remaining one million seven hundred and fifty thousand dollars should be given to these two houses, of which they have since availed themselves, and the payment is to be made also in ten instalments, commencing on the 4th December, and to be completed on the 4th September, 1834.

It is believed that the agent has discharged the important trust confided to him with the utmost fidelity, and that the sale was the best that could possibly be made at the time and under the circumstances. It was generally supposed, and confidently expected by Mr Gaines, when the acts creating the stock were passed, that it would command a premium. Several causes, however, conspired to disappoint these anticipations, among which may be numbered an unusually large quantity of American stocks then in the market, and the prospects of a war in Europe.

The plan which this State has adopted, of excluding from her banking system all individual and private interests, was at first regarded by many as doubtful and hazardous. It was by all considered a mere experiment, and every succeeding step taken for its extension was fully justified by its previous successful operations. Commencing at first with a very small capital, which has been gradually increased at different periods, and only when the legislature were satisfied by experience, of the propriety of such increase, public confidence had kept pace with its enlargement, and the system has reached its maturity with a credit and character which confirm the wisdom of its establishment and confer lasting commendations upon those who have had the immediate direction of its affairs.

With the fortunes of this institution, the prosperity, credit and character of the State, are to some extent embarked, and no branch of the public service is more deserving the attention and solicitude of the legislature.

I am fully persuaded that a prudent management of its concerns will, in a few years, dispense with the necessity of taxation altogether, and next to furnishing the necessary amount of circulation, this should be regarded as one of its principal advantages.

In conformity with the act of the 12th January, commissioners have been appointed to examine the condition of the branch Banks whose reports will be laid before you.

At the last session of the general assembly the eighth judicial circuit was created, and a member of that body was elected judge thereof. When this election took place, doubts were entertained of its constitutionality, as well by a large portion of its members as by many persons distinguished for their attainments in legal science. It afterwards became a subject of public discussion and a desire seemed to be felt by the community, that its validity should be tested by a decision of the supreme court. Firmly persuaded, myself, that the election was not sanctioned by the constitution, and that it introduced the evil which was intended, by that instrument, to be effectually guarded against and prevented, I felt that I was called upon by the obligations of official duty, to place the case in a train for legal investigation, and directed the attorney general to institute the necessary proceedings. Before taking this step, however, the *opinion* of that officer was required, which, together with that of another gentleman, whose legal reputation stood deservedly high, sustained and recommended its proprie-

ty. I associated with the attorney general, Arthur F. Hopkins, Esq., a copy of whose legal opinion is herewith transmitted, shewing his views of the merits of the question, as well as the particular points, upon which I have sought to be informed. The case, at the last term of the supreme court, was thoroughly investigated and ably argued, but the court on mature reflection determined that they could not entertain jurisdiction of the case, without encroaching upon the constitutional powers of the legislature. The opinion of this enlightened tribunal has not been published, and the information now communicated, is the result of impressions received from the attorneys who were engaged in the cause. The opinion and decision of the court, it is understood, will be delivered at length, at the session which will commence in January.

It is now respectfully submitted, whether the incidental opinion, indicated by the election, is to be regarded as an expression of the deliberate sense of the two houses, or whether, the subject should not receive a direct examination, with a view of placing the action of the legislature in the more durable and satisfactory form of a joint resolution. The election took place at the close of a lengthy and tedious session. No formal discussion whatever was had, and so little said, even in conversation, that members voted, it is believed, when the question of the eligibility of the person elected, had attracted but little of their attention. The hurry and confusion which never fail to attend the closing scene of a long and protracted session and the want of opportunity for calm and attentive examination, are, of themselves considerations sufficient to induce a review of this subject.

At any rate, there can be no doubt that a decision directly on the point, attended with the formality and deliberation which are enjoined in the enactment of laws, would be more satisfactory to the public, and more deserving the respect due to authoritative precedents.

The clause of the constitution which controls this question, is in these words: "No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit, under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people." The argument and the only one I have heard in favor of the appointment is, that the formation of the circuit does not create the office, but that the office of circuit court judge was created by that clause of the constitution which is as follows: "The judicial power of this State shall be vested in one supreme court, circuit courts to be held in each county in the State, and such inferior courts of law and equity, to consist of not more than five members, as the general assembly may, from time to time, direct, ordain and establish." It may be admitted, for all the purposes of this argument, that this part of the constitution created the circuit courts, though it does nothing more than require, that the legislature shall establish as many of these courts as, in its judgment, the situation of the country and the necessities of the people require.

The error, which lies at the foundation of this position, is to be found in the fact, that the expressions court and office are held to mean the same thing. But this is not the case. No two things are more different. A court is a branch of the judicial department of the government, and it is not more an office than that department itself. In common parlance, we do not say that an individual holds the office of the *circuit court*, but the office of *judge* of the circuit court. It is the *JUDGESHIP* and not the *COURT* which constitutes the office. The judge, the clerk and the sheriff are all officers of the court, and each fills an office. The supreme court

affords a conclusive illustration of this matter. That branch of the judiciary is now filled by three judges. Each holds a separate and distinct office. Should the Legislature, at their present session, appoint an additional judge, as they may do, will not a new office be created, and can it be contended that this judgeship was created by the constitution?

An instrument which professes as the constitution does, to establish general and leading principles, should always be construed with reference to the intention of its framers. The object which the convention had in view, was obviously, to prevent the legislature from providing places for themselves; and if the construction contended for be not correct, it appears to me that no definite or sensible meaning can be ascribed to the clause under consideration.

Whatever may be the decision of the legislature, the title which the present incumbent has to the office cannot be effected. It has been conferred on him not by his own act, and he cannot be displaced except upon charges for improper conduct in discharging his official duties, for which no one will pretend there is any foundation.

At the period of your last session, the dissatisfaction produced in the southern States by the protective policy of the general government, and the measures of resistance adopted by one of these States had excited apprehensions throughout the country for the safety of the Union. I then ventured to express the belief, that the system would yield to the influence of public opinion, and that as soon as the difficulties interposed by the contest, which was then going on for the office of president, should be removed, the grievances of which the planting States had so long and so justly complained, would be speedily redressed.

At the last session of congress, the distinguished champion of the "American system," and the rival candidate of General Jackson for the presidency, was the first to announce the truth of this prediction, and he lost no time in availing himself of the existing state of things, to obtain, for the manufacturing interests, a highly advantageous compromise. The modification of the tariff was, for the time being, acquiesced in by the south, on the ground alone, that it afforded one of the States of the Union an opportunity of making a safe and honorable retreat from the precipice to which she had been hurried by the impetuosity of her statesmen. It gave quiet to the country, and for that reason was hailed as the harbinger of better times—as a measure which would pave the way for others, which would completely restore to the Union its wonted harmony. When it is considered that the burthen of a protective tariff had been borne by the south for ten years, the time allowed for its reduction was unreasonably long. Some portion of the benefit of this promised reformation should have been bestowed on the present, and not reserved, as this bill provides, for the next generation. The bill should be remodelled as soon as it can be done without renewing the discontent and dissatisfaction which have been so happily quieted.

Copies of resolutions from nearly all the States of the Union have been forwarded to this department, dissenting in the most unqualified terms from the theory of nullification. Such have been the promptness and unanimity with which the people of the United States have placed their seal of condemnation upon this political chimera, that to urge its doctrines any longer would justly subject its advocates to the imputation of persisting in established error. There is no heresy however absurd, which, with the same weight of talent engaged in its support, would not be equally successful in obtaining converts; and the unprecedented unanimity with which it has

been rejected is to be accounted for by the fact, that its direct tendency to dissolve the Union is apparent to the humblest capacity. The reserved rights of the States rest upon a surer and more solid foundation. The wisdom of our system has secured them against every emergency, short of open and avowed usurpation. Their preservation and protection are amply provided for, in the checks and restraints which the two houses of congress and the executive reciprocally impose on each other in the constitutions of the States and the operations of their laws—in the frequency of elections—in a concert of sentiment and action among the States, for the purpose of giving a proper direction to public opinion, and finally, to an independent virtuous and enlightened judiciary.

At the last session of congress, a bill was passed through both branches of that body to distribute the future proceeds of the sales of the public land among the several States, to be by them appropriated in such manner and to such objects as they may direct. The president of the United States withheld his signature from the bill, and for that reason it failed to become a law. The large vote given in favor of this measure induces the belief, that an attempt to carry it will be made at the ensuing session, and just apprehensions are felt, that although, it will have to encounter the firm and decided opposition of the States which contain this description of public property, it will be successful.

The views entertained by the president on this subject, as disclosed in his message of December last, appear to me conclusive, and must command the approbation of all unprejudiced minds. Previous to the formation of the constitution, the waste lands owned by the States were ceded to the United States to meet the expenses of the war of the revolution. They may now be considered as relieved from this pledge, and in the language of the president, "it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in a convenient time this machinery be withdrawn from the States, and that the right of soil and the future disposition of it be surrendered to the States, respectively, in which it lies." These are the liberal and enlightened views which should flow from a statesman who looks with anxious solicitude to the rights of the States and the harmony of the Union. They, in the true spirit of patriotism, overlook all local and sectional interests, and regard the duration of our happy form of government as above all considerations involving the calculations of dollars and cents.

When this proposition for disposing of the public lands, was first conceived, the united opposition of the new States was anticipated, and the opinion was entertained (erroneously, as I trust the result will show) that their consent could be obtained, by adding ten or fifteen per cent to the amount to which they would be entitled, by the rule of distribution. The reflection of a moment will show that this should have no influence, and that the benefits which it holds out, as an inducement to embark in the speculation, will not be a feather in the scale, against the permanent disadvantages in which it will involve the new States. The scheme is obviously designed to keep up the public domain at the highest possible rate, and to defeat all exertions to reduce its price. The inhabitants of the new States

will be the principal purchasers, and how can it benefit them to receive fifteen per cent of the purchase money, when they will be compelled to buy at a price ranging from fifty to one hundred per cent above that at which the land would otherwise be sold?

But the proposition goes to establish a relationship between the old and new States, heretofore unknown, which cannot fail to be highly injurious to the latter. The public lands have always been regarded as a source of revenue to the general government, and the legislation of congress in relation to them, has been with a view to the general interests of the Union.— Should the plan under consideration be adopted, congress would no longer exercise over the public domain, the control which would become the legislature of a great and united people, but as a mere agent for some of the States, its laws would be made for their exclusive benefit, to the great injury and prejudice of the others. Possessing as they would a separate and individual interest in the soil contained in the new States, a combination as invincible as the passion of avarice itself, and more odious than a direct dependence on their respective State governments, would be the inevitable result.

Should Alabama, as has been her custom, ask for a few small tracts for the erection of public buildings in her new counties, or for a donation to enable her to carry on some great work of internal improvement; or should she memorialize congress to extend to some of her enterprising citizens the privilege of pre-emption, Massachusetts would raise the objection at once, that her annual dividend would be reduced; which she has long since ascertained, will amount to one hundred and twenty-seven thousand two hundred and twenty-five dollars and forty one cents. Other States, having a similar interest would be called upon to settle all applications of this kind, by consulting their arithmetics, and the liberal policy which has been heretofore extended to us, and of which we shall hereafter stand in need, will be made to yield to that selfish legislation which looks to the advantage of particular sections of the Union. Laws to prevent the commission of waste, should this measure be adopted, and to prohibit all settlements upon the public land, would be enacted, as a natural and necessary consequence, and enforced with the utmost rigor. Our citizens would be perpetually annoyed by indictments and prosecutions, and be greatly harrassed in other respects. Collisions between the State and federal government, would be of frequent occurrence, tending powerfully to alienate the affections of the people from the latter and to weaken the bonds by which the union of these States has been so happily preserved.

Other views than those now presented, which the limits of a communication of this kind cannot embrace, showing the impolicy of the measure, will readily suggest themselves to the general assembly; and the subject is submitted to their consideration in the confident belief, that they will pursue such course as will vindicate the rights of the State, and promote the interest and prosperity of their constituents.

About the first of August last, a citizen of the county of Russell, by the name of Owen, was killed by a party of soldiers who had been placed under the direction of the deputy marshal for the southern district of Alabama, for the purpose of removing from the Creek country, such persons as had intruded upon Indian possessions. This officer had previously made frequent incursions among our people with the soldiers of the United States whose illegal and irregular conduct had produced much dissatisfaction, which, after the murder of Owen, kindled into an excitement that was rapidly extended over the whole of the new counties, and in some degree

throughout the State. I was at once satisfied that the mode adopted by the government to carry the stipulations of the treaty into effect, and to evict intruders, could not fail to produce serious and unpleasant difficulties, and that it would lead to unhappy, and perhaps dangerous excesses.

On the 26th of August, I addressed a letter to the secretary of war, calling his attention to this unfortunate occurrence, and suggested that a resort for the protection of the Indians, to our statute against *forcible entries and detainers*, would be equally effectual, better suited to the habits of our people, and more congenial to the spirit of our institutions. The correspondence between that officer and myself are herewith submitted for your examination.

At the date of my first letter, it will be seen, there was no apprehension that any design existed to remove the whole body of the settlers, and I read the order of the war department of the 26th August, which was published by the marshal about the middle of September, with the deepest regret. Upon a large portion of the inhabitants, it was to be executed without distinction and without delay. It is obvious that this document owes its origin to the letters of the deputy marshal written in the months of July and August last, and the president himself will deplore the omission to give the settlers time and opportunity to correct the erroneous impressions which these letters have produced.

No doubt is entertained that general Jackson, in the course he has pursued, was influenced alone by considerations of public duty, and no one could suppose that he had any wish to injure or harrass the people of this State. No reason can be advanced, giving countenance to the idea, that the arm which Alabama has so long upheld and sustained would voluntarily be raised to crush her. And on that account it is the more to be regretted, that an order was issued upon incorrect information, which would have converted the finest section of the State into a desolate and smoking wilderness.

The facts which have been stated, as such, to the secretary of war, are contradicted by many gentlemen of undoubted respectability, and the hideous story of abuses practised on the Indians by "lawless violence," are fancy sketches drawn to answer particular purposes, which are now partially disclosed and will soon be fully developed.

Mr Allen C. Stillman, of Macon county, who writes "in behalf of many of his fellow citizens," states that, "We have intruded on no Indian improvement, nor appropriated any thing of theirs to our use. The marshal says that the Indians burnt and destroyed their (the Indians') houses. It is a little singular that, residing as we do in the nation, we never heard of these outrages, until we received the news from Washington city. We hesitate not to reject such marvellous tales, nor will the public give credence to them unless they are supported by better evidence than hired Indians, who are made to say whatever the speculators wish. Let the marshal point out to us any person who has taken the lands of the Indians, burned their houses, &c. and he need not call in the assistance of the United States troops.

"We have every reason to believe the speculators, many of whom reside not in the State, have influenced a few of the chiefs to make misrepresentations to the marshal, and they are published as the voice of the nation. But residing on the spot we know better. The object of the speculator is to banish the occupant, and then the Indians will be in their power, and they can purchase their lands on such terms as they please without opposition."

Mr. Elijah Holtsclaw, of Chambers county, also, speaking of the difficulties produced by the proceedings of the deputy marshal, says "not one of them (the whites) were permitted to produce testimony in their defence. There were some cases in which the citizens had to pay two hundred and fifty dollars, only on the say so of some one or two Indians or Indian countrymen of the most degraded class, stating that they had been treated amiss by such citizens. It is by the request of a large number of your constituents, I address you these lines. I am not one of those who was prostrated or fell a prey to marshal law, but am an eye witness to a large number of cases conducted and determined as above stated. The names of some of those who suffered in Chambers county, are ——— and ———, &c. all men of the first standing in society."

The honorable T. S. Martin, judge of the county court of Russell county, a gentleman of intelligence and unblemished reputation, states that "we are daily expecting more troops at this post, as we understand, for the avowed purpose of putting every person out in a short time, and should this be the case, it would seem hard to make those pay tax to the support of government, who will be so heavily taxed, as to give up their improvements, and many perhaps, have to give one half their crops for the privilege of staying long enough to save the other, *for such conduct was the deputy marshal guilty of where he has lately been.*

Judge Clough, of Macon county, who is favorably known as a member of the general assembly, wrote on the 2d October, "that he had received a letter from Mr Austill, ordering myself and all the settlers to remove out of the Creek territory within two weeks. We have our all in the nation, and are ruined if we are compelled to remove. We rented from individual Indians who cleared the fields, and have paid them in advance. When the deputy marshal visited us in August last, *he held a council of the chiefs*, and we were all termed intruders. We told the marshal we had the obligations of the Indians for the land we cultivated. He would not look at them. We told him all we wanted was a fair investigation, but that was denied."

I lay before the legislature, the letter and proceedings of a public meeting in Taladega county. It will be seen by these that all intrusions upon Indian premises are disclaimed and are denied to have taken place in that country.

Judge Collier's letter to the honorable S. W. Mardis is herewith transmitted. In the opinions which he expresses, the attorney general, Mr Martin concurs. These gentlemen are so generally and so favorably known to the public, that their statements will be received with implicit confidence. The facts which judge Collier states are the result of particular inquiries, and have been obtained from the most respectable sources. "Desirous," says he, "of being informed of the truth of the rumors we had heard as to intrusions upon Indian possessions, I sought information from many gentlemen whose character for truth, entitle them to the fullest belief, all of whom concurred in assuring me, that individual cases may have occurred, in which the white settlers may have wrongfully occupied the Indian improvements; *but such cases had never reached their knowledge.* They also expressed the belief that so just and favorable was public opinion towards the Indians, that no interference with their rights would be tolerated, and that the settlers would readily lend their aid to the Indians against the intruders." The concluding part of this very satisfactory document is worthy of attention. "Many of the settlers entertain the opinion that the informers of the secretary of war, are interested in their removal, and that

most of the Indians who have co-operated with them have a similar interest. It is not difficult to imagine how the pecuniary interest of some might be advanced by the execution of the order, *and so strange are the representations* recited by the secretary in his letter of the 5th September to his excellency the governor, as having been made to the department, that I am not prepared to denounce the suspicion as groundless. That the facts, which have induced the action of the executive branch of the federal government, *cannot* be made manifest by proof, I do not question."

Mr. Austill himself, speaking of individuals whom he had subjected to his jurisdiction, states that "those persons have not taken possession of the cleared lands of the Indians, yet they prevent the Indians who are entitled to reservations (but have not located themselves) from settling where they had commenced building. I have determined to remove them forthwith from the nation, *and to deliver their crops* [this was the 8th July] to the chief of the town, *and to burn their buildings.*"

From the facts disclosed in these extracts, it seems to me there can be no difficulty in determining that the confidence of the president has been abused; and that the information upon which he has been induced to rely, in relation to the character of the settlers, the condition of the Indians, and intrusions upon their improvements, is without any foundation. The deputy marshal himself has been guilty of more and greater outrages upon the settlers, than any which can be proved against them, as appears by the above statements.

It is now generally admitted that an unprincipled speculation is the source from which all the troubles of the settlers have proceeded, and it is firmly believed that the chiefs have been induced to complain by being promised an interest in the operation. The individuals who are supposed to have originated the speculation do not reside in the ceded territory, and of course will experience none of the hardships of the contemplated removal.

After the order of removal was published by the marshal, numerous and afflicting appeals, by the settlers, were made to the executive to interpose in their behalf, stating that they had been encouraged to make their settlements by the general policy which the government had adopted in relation to the public lands, by the express permission of the secretary of war, and by the laws of the State. Many of them affirmed that they never entertained the belief for a moment, that any attempt would be made to remove them, after the country was laid off into counties, and all the necessary officers were appointed. I lost no time in endeavoring to quiet their apprehensions, by informing them of the contents of my letter to the secretary of war, of the 26th August, and assuring them that I had every reason to believe they would be permitted to remain, if they did not interfere with the property of the Indians. When the secretary's answer was received, however, I was painfully convinced that I had been mistaken, and that the president was immovable in his purpose of expelling from the "ceded territory," the entire body of white inhabitants. This conviction was in no degree weakened by the emphatic declaration of the secretary of war that the government has "*a solemn duty to perform, which they cannot and will not neglect.*"

At this time the greatest agitation existed in the new counties. Every where public meetings were called, at which strong but just views were taken of the incalculable injury in which their removal would involve them. It was distinctly perceived, when the business of *burning houses and delivering crops to the chiefs*, should commence, that the exasperated

feelings of the people would urge them to stand by their wives, their children and their property, that bloodshed would be the inevitable consequence, and that many valuable lives would be lost. In the mean time, the troops of the United States had taken their position at Fort Mitchell, and active preparations were making to move in upon the settlers. At this period, apparently so gloomy, I issued a proclamation to the inhabitants of the new counties, herewith submitted, recommending and exhorting them to look with unshaken confidence to the law for protection, to submit to any process from the courts of the United States, and to abstain from all acts of unlawful violence towards the Indians. The civil officers were advised to issue, promptly, all necessary process for the apprehension of offenders, and the people generally were instructed to look to the courts as affording more certain protection than they could expect from a confused and disorderly resort to their arms.

This step had the effect, at once, to quiet the minds of the citizens; to inspire confidence in the efficacy of the laws, and to put a stop to the contemplated movement of the troops: thus affording a practical and impressive illustration of the great truths so often and so ably advocated by the president himself; that the constitution of the United States, and the constitutions and laws of the several States, as they are understood by the common sense of mankind, are sufficient for any emergency, and that the laws in their usual and customary operation, will stay the hand of encroachment, in whatever quarter it may appear.

All officers of the army are furnished with a perpetual order of congress to deliver up any officer or soldier, charged with an offence against the law of the State, and as long as this safeguard of civil liberty shall be respected, no citizen need be alarmed for the security of his person or his property.

Sincerely convinced, as the president doubtless is, of the propriety of the course he has adopted, and conscientious as he is admitted to be, in his views upon this subject, if my estimate of his character is not wholly erroneous, he will never disregard the process of our courts.

If the deputy marshal had confined himself to actual intruders; if he had sought to remove such persons only as had wantonly invaded the rights of the Indians, no complaints would have been made. Though, according to strict law, he would, in these cases, have been a trespasser, yet his conduct would have been overlooked, or it would have been regarded as an irregularity, which, under peculiar circumstances, sometimes conduces to the good order of society. But this has not been the case. It seems that he has put himself under the direction of some of the chiefs, and many are placed on the list of the proscribed, without being heard in their defence, who would be first to administer to the wants of the Indians, and would be exemplary citizens in the best regulated society.

The letter, which is transmitted, of the honorable P. T. Harris, together with the accompanying documents, shows that the grand jury of Russell county have returned a bill of indictment, for murder, against the soldiers and officers who were concerned in the death of Hardeman Owen; that application in due form, was made to the commanding officer at Fort Mitchell to deliver them over to the civil authorities, which was rejected, that the officers and troops of the United States, at this post, have set our laws and our courts at defiance, and that the power of the county is not sufficient to arrest the offenders. Though full power is conferred on the executive, by the constitution, to call forth the militia in cases of this kind, yet sincerely desirous of avoiding all collision with the government or any of its

officers, and not doubting that they would be ordered to be delivered up for trial, I have deemed it unnecessary to take any other step, than transmit the despatches to the war department, for the consideration of the president, which was done on the 23d ultimo. I regard this occurrence, at present, as an individual and temporary evasion of the process, and am confident that it will continue no longer than the necessary orders can be transmitted from Washington city.

The lands owned by the general government, within the limits of several of the Western States, have been the source of difficulty and contention, and in some instances plausible arguments have been advanced in favor of the title of those States to the soil, on the ground that such title is necessary to the free exercise of jurisdiction.

I do not concur in this doctrine, though I entertain no doubt, that the right to the soil is inferior to the right of jurisdiction, and that the former would have to yield to the latter, should circumstances render it necessary. It is undoubtedly proper that neither should be used to the detriment of the other. A State should give countenance to no course of legislation that would be injurious to the property of the general government, and the latter is equally bound to make such use of the public lands as not to embarrass or interfere with the jurisdiction of the former.

Whether our citizens have wrongfully made their settlements in the Creek country, and whether Alabama can justify herself in exercising jurisdiction by dividing it off into counties, are inquiries which have an intimate connexion with the present controversy.

The present administration having decided at an early period, that the intercourse act of 1802, could not be enforced in those States which had extended their laws over the Indians, a large proportion of the population now proposed to be expelled had settled upon these lands previous to March, 1832, when the treaty was made. The treaty contains a stipulation for the benefit of these settlers, which secures to them the right of remaining during that year, or "until their crops are gathered." It provides also that the lands shall be surveyed, "as soon as the same can be conveniently done after the ratification of the treaty, and when the same is surveyed, to allow ninety principal chiefs of the Creek tribe to select one section each, and every other head of a Creek family to select one half section each." The lands were not surveyed, and the selections made as early as was anticipated, and in December, 1832, that the secretary of war, regarding the spirit and intention, rather than the strict letter of the treaty, addressed to colonel King, judge Clay and Samuel W. Mardis, Esq's. members of congress, the following letter:

Gentlemen—In answer to your letter of the 6th instant, I have the honor to inform you that in the execution of the stipulations of the Creek treaty; it is certainly the wish of the government to avoid all unnecessary severity towards our citizens, who are located on any part of the ceded territory. It is the duty of the executive to preserve the public faith, and to fulfil on the part of the United States those compacts under which the Indians ceded to us very important and valuable rights. It is to be hoped that every just citizen will feel and acknowledge the obligations of the government upon this subject, and will interpose no unnecessary difficulty in the execution of this duty. Taking into view the facts that the season for agricultural labor will not arrive for some time, that the surveys are nearly completed, and that as soon as they are received, the locations of the individual reservations will be made, and the tract selected for each will be assigned and delivered to him. I do not see that any injury would result to the In-

dians, by permitting those persons who obtained peaceable possession of the land on which they live, and do not retain it to the exclusion of any Indian justly entitled to it, to occupy those tracts till the several selections are made. If, however, any of them are selected for the Indians, it will be expected that the occupants relinquish possession, within thirty days after such selection is made. This arrangement seems to me to be an equitable one, and I trust will be satisfactory to all persons interested in the subject. I hope further, that after the locations are made, quick possession will be relinquished to the Indians, so that the government will not be compelled to resort for that purpose to measures which I am anxious to avoid. Instructions will be given in conformity with these views.

Very respectfully, I have the honor to be, your obedient servant.

LEWIS CASS.

Other letters, to the same effect, were written at the same time, to the honorable Gabriel Moore, and to S. Williams, and others in Pike county.

When the selections are made, the treaty imposes no obligation on the government to remove any individual from the ceded territory, and it will then be in the situation of all other public land.

The permission to remain is given, on the condition there is to be no interference with Indian possessions, and if it be observed, the secretary of war admits that no "injury would result to the Indians." Nothing was more natural than the opinion which every one formed, that other persons, than those who had this express permission to remain, might safely move into the ceded territory provided they adhered to the rule laid down by the war department: and this express and implied permission furnishes at once the reason of so large a community being now upon these lands.

After the publication of those letters, no one, whatever his respect for the laws and for the rights of others, could have supposed he was doing wrong or violating any of the duties of a good citizen, by making a settlement in this part of the State; and it is submitted to the impartial judgment of all candid minds, whether the great body of the settlers have not been involved in their present difficulties without any fault on their part.

When the act of the last session was passed, laying this country off into counties, the letters of the secretary of war were before the legislature.—Without this measure, the people would have been deprived of separate representation for the next six years, and it was obvious that our laws could not be made to operate with effect upon a population so large and so rapidly increasing. The policy and views of the administration in relation to the Indians were made known, and the act, while under consideration, was regarded as being in strict accordance therewith. The treaty extinguished the Indian title to the land and the Indians had become citizens of the State and amenable to its laws by their own consent, thereby obviating all objections growing out of our former relations with their people. All saw and acknowledged the necessity of the measure, and none objected to it. The general assembly were influenced in their course by considerations of public duty and public policy, and it certainly never entered the mind of any one that they were encroaching upon the *property rights* of the United States.

It is difficult to anticipate the effects that would result from the abolition of these counties. All criminals and persons indicted for offences, will be discharged; all suits will be discontinued; the courts and all offices abolished; officers will lose their places, and, in fine, such is the intimate connexion between these and the other counties of the State, that to destroy them, would embarrass and derange the administration of justice generally, and introduce perplexing confusion through the whole machinery of the State government.

I come now, to examine the grounds upon which the secretary of war assumes the right to remove our citizens, by military force, from the land ceded by the treaty of March, 1832. The 5th article of the treaty provides that "all intruders upon the country hereby ceded shall be removed therefrom, in the *same manner* as intruders may be removed by law from other public land, until the country is surveyed and the selections made." The 'manner' it is contended is by military force as prescribed in the act of congress of the 3d March, 1807. That act, if it be interpreted literally, confers, I agree, upon the president, a discretionary power to employ military force for the repulsion of intruders from the public lands, and this construction might be insisted on with some color of propriety, if a mere question of property were depending between individuals. But this rule is not obligatory on the president. As the executive organ of the government he should give the law such construction as will in the best manner accomplish its objects. This was, as all will admit, to protect the public domain from injury, so as to enable the government to dispose of it at the highest price. It is impossible to conceive that any other considerations could have induced its passage. The fact that the president is invested with a discretion to expel intruders or not, as he may choose, furnishes conclusive evidence that congress did not intend to prohibit settlements on the public land, under all circumstances and in every possible case. If such had been their intention, no discretion would have been allowed, and the law would have been imperative in its terms.

If, at the approaching session of congress, that body were to ask of the executive to be informed, why the act of 1807, had not been put in force against intruders, his ready answer would be, that the settlers had not injured the public property, that, they had violated none of the rules and regulations made for the preservation and disposal of the territory of the United States, that they had set up no claim to the land, and there was no evidence that they intended to interfere with or in any manner oppose the views and policy of the government in relation to the public domain. He would show that the cultivation of the land enhanced its value, and that settlements for the purpose of cultivation had been encouraged by congress by a course of legislation of thirty years.

If such would be his reply to congress, how can any other be made to the Creek chiefs, on their application for the expulsion of the settlers from the lands they have ceded. The act of 1807, must be construed without any reference to the treaty. The instrument cannot vary its meaning, nor confer on the president any new authority. He is bound to give the act now the interpretation by which he has always been governed; and if it was not his duty to evict the settlers heretofore, it seems to me that the conclusion cannot be evaded, that it is equally his duty now not to distrust them.

For the purpose of showing that other presidents have given to the act, the construction now contended for, the proclamation of Mr Madison has been referred to. That paper was issued to put down combinations then supposed to be forming by the settlers, to deter purchasers from bidding for the public lands, in direct violation of law and in contravention of the settled policy of the government. This appears from the following extract of instructions from the secretary of war, dated 15th October, 1815—"They (the intruders) settle upon all the choice spots, and form *combinations* to deter purchasers from bidding for the lands so settled, and in that manner deprive the government of the probability of receiving more than two dollars per acre." The order contained in the proclamation was countermanded by an act of congress of March, 1816, giving the settlers per-

mission to remain, which was kept in force by other acts, until the lands were brought into market in the year 1819.

In my correspondence with the secretary of war, I did not deem it necessary to inquire whether the act of 1807, could be enforced within the limits of a State. Subsequent reflection has led me to the conclusion, that its operation was intended to be confined exclusively to the territories of the United States.

As early as the year 1785, when colonel Harmar was engaged in removing intruders from the public lands in the western country, the commissioners of Indian affairs directed him to employ such military force as he might judge necessary in driving off persons attempting to settle on the lands of the United States, "not within the limits of any particular State."

It is a principle recognized in all our institutions, on the observance of which the safety and security of the citizens depend, that the provisions of a law cannot be executed by any officer, when a fact is to be ascertained involving the rights of an individual. In all such cases a judicial investigation is necessary. The intervention of the courts is indispensable, unless there is the same certainty that exists in executing civil or judicial process. The act of 1802, prohibiting settlements upon Indian lands, could be executed in this way, because no fact was to be ascertained. The boundaries of the country were as well known as those of a county, and the presence of a white man was legal proof that the law had been violated.

Is this the case in those States where large bodies of the public land have been sold in several tracts, which lie in confusion with waste lands throughout an entire district? It is impossible that the marshal can distinguish them, without tracing lines, examining title papers, &c. and, in many instances, without entering into investigations quite as tedious and perplexing as those which occur in actions of ejectment.

If the construction which I have placed on the act of 1807, be admitted, there can be no objection to the treaty. Its provisions can be executed without difficulty and in strict conformity with our laws. But it is decided otherwise, and if necessary, the settlers are to be removed by military force. Admitting, for the present, that the government have the right to remove intruders from the public land, I insist that so much of the 5th article of the treaty as stipulates for the eviction of the settlers from the Indian improvements, before the selections are made, and from the selections after they are located, is an encroachment upon the ordinary and acknowledged jurisdiction of this State and ought not to be executed.

Much argument will be saved in the discussion of this branch of the subject, by stating the positions which have been admitted by the president, and which, of course, are not debateable in this controversy. They are,

1st. That a treaty with the Indians cannot, in any degree, deprive a State of its jurisdiction.

2d. That the right to extend our laws over the Indians previous to the extinguishment of title to their lands, was as full and complete as it can be afterwards.

And 3d. That the Indians were, when the treaty was made, citizens of Alabama and their persons and property subject to her laws.

With these admissions, it only remains to be proven, that the Indian improvements are, and these reservations, when made, will be private property. The secretary of war in his letter of the 22d ultimo, seems to admit that this will be the case with these selections, but insists that, until they are located, the Indian fields, &c. will be public land. An individual case will demonstrate that this conclusion cannot be correct. A. B. the

head of a family, when the treaty was made, was in possession of a field of fifty acres including his cabins. By the terms of the treaty, the United States are to survey the land, and to allow A. B. one section so as to include his improvements. Now, is not this field as fully the private property of A. B. as it will be after the metes and bounds of his tract are designated? He does not know how much land he will be entitled to on the north or south of his field, but there is no certainty as to the field itself.

But if these improvements be public land, the act of 1807 makes no exception in favor of the Indians, and they are equally liable with the white settlers to be expelled from the ceded territory. It is not material to inquire what kind of estate the Indians have in their fields and improvements—it is sufficient that they have a property in the possession, which, together with their persons, is subject exclusively to the laws of the State.

There are several thousand heads of families in the situation of A. B. and the question is, shall the marshal take cognizance of the trespasses or supposed trespasses which may be committed on the property, or shall they be referred to the decision of our courts?

The argument, which has been offered in favor of the jurisdiction of the State, has in view the protection of the Indians as well as the whites. The regulation or prevention of trespasses among the citizens of a State, does not belong to the general government, and certainly our courts are more competent to their investigation than the marshal.

My views in relation to the Indian tribes within the limits of this State have been too frequently expressed to require repetition. The policy of extending our laws over them until the title to their land should be extinguished, I have always urged as unjust; and the failure of the government to comply with its obligations imposed by numerous treaties, at a period when their broken and dejected remnants of a once gallant and powerful nation stood in the greatest need of its protection, I have ever believed unworthy the magnanimity of the American republic.

The Creek Indians have now by their own consent freely and voluntarily given, become citizens of Alabama, and influenced as I always have been, by feelings of consideration and humanity towards them, their security and comfort will continue to be objects of my anxious solicitude: and these cannot be better accomplished than by placing around and among them a community whose sympathies are in their favor, and which would not fail to protect them against lawless aggression. I, like the Indians, am convinced, that if the whole body of the settlers be removed, they will become the victims of insatiable avarice; that their property will be wrested from them by fraud, if not by violence, and that in a short while they will be without the means of subsistence.

In the present controversy my situation has not been free from difficulty and embarrassment. Yielding as I had done, for the last ten years, a sincere and disinterested support to the distinguished citizen who now fills the presidency, it was with the utmost reluctance that I felt myself constrained to oppose the course he had adopted. The country, too, had but recently emerged from the gloom of a threatened conflict with a sister State, and it was foreseen that even a difference of opinion with the administration would tend to awaken the fears, and alarm the apprehensions of many good citizens.

The suppression of the State government, or the maintenance of its laws in eight flourishing and populous counties, were the alternatives presented, and I embraced that to which I was directed by the solemn obligations I had assumed as the chief magistrate of one of the independent States

of this Union. Without resorting to force, which I cannot believe necessary, unless the process of our courts be altogether disregarded, I have maintained the integrity of these counties and kept the laws steadily in operation.

While it is unnecessary to exhort you to do nothing that will compromise the dignity, honor or sovereignty of the State, I trust that a spirit of mildness and conciliation will preside over your deliberations on this delicate and interesting subject.

JOHN GAYLE.

Ordered, That said communication, together with the accompanying documents, lie on the table, and that five hundred copies of the message, with the accompanying documents relative to the Creek controversy, be printed for the use of this house.

On motion of Mr. Ormond: *Resolved*, That this house will go into a committee of the whole house on Thursday next, at 11 o'clock, to take into consideration the message of his excellency the governor.

And then the house adjourned until to-morrow morning at 10 o'clock.

Wednesday, 20th November, 1833.—John T. Rather, a representative from the county of Morgan, appeared, was qualified and took his seat.

Agreeably to a resolution of the house, Mr Speaker preceeded to appoint the following standing committees, to wit:

A committee on privileges and elections, consisting of Messrs Brown of J. Fortson, Davis, Dubose, Collier and Gardner.

A committee on propositions and grievances; consisting of Messrs Morrisett, Johnson, Salter, Houston Summers, Massey and McDavid.

A committee on enrolled bills; consisting of Messrs Brickell, Carithers, Miree, McRae and Harris.

A committee on inland navigation; consisting of Messrs Ormond, Jackson, Ware, Sanders of D. Fortson, Rains and Brown of J.

A committee on ways and means; consisting of Messrs Creagh, M. D. Williams, Rather, Bonham, Hudson and Lawson.

A committee on the military; consisting of Messrs Fleming, Lee, Musgrove, Farrar, Massey, Norwood and T. Williams.

A committee on lands appropriated for internal improvement; consisting of Messrs Hudson, Sanders of L. Carmack, McRae, Brickell, Stewart and Harkins.

A committee on the judiciary; consisting of Messrs Hopkins, Ormond, Creagh, Porter, Lee, Morrisett, Ellis, Chamberlain, Beene, Gayle, Bonham, Webster, Rains, M. D. Williams and Harris.

A committee on county boundaries; consisting of Messrs Musgrove, Simmons, Miree, Sumners, Armbrester, Brown of M. and Jones of T.

A committee on education; consisting of Messrs M. D. Williams, Porter, Scott, Horton, Evans, Webster, Ellis and Hall of A.

A committee on accounts; consisting of messrs Hallett, Davis, Carithers, Bowin, Gayle, Farrar and Nabors.

A committee on divorce and alimony; consisting of messrs Norwood, Simmons, Taylor, Armbrester, Jones of T. McDavid and Gardner.

A committee on roads, bridges and ferries; consisting of messrs Hall of B. Hollis, Hill of S. Jones of M. Pegues, Barron and Bowin.

A committee on the State bank; consisting of messrs Jackson, Rather, Ware, Scott, Lawson, Houston and Walker.

A committee on the State capitol; consisting of messrs Horton, T. Williams, Hill of H and D. Hollis, Johnson and Nabors.

A committee on Indians and Indian affairs; consisting of messrs Beeng.

Sanders of D. Bonham, Salter, Ware, Hopkins, Fleming and Hill of H. and D.

A committee on the comptroller's and treasurer's offices; consisting of messrs Walker, Dubose, Harris, Evans, Hall of B. Barron and Hill of S.

A committee on emancipation; consisting of messrs Chamberlain, Jones of M. Pegues, Hall of A. Harkins, Collier and Brown of M.

Mr Jackson presented the petition of sundry citizens of the town of Florence praying the location of a branch of the bank of the State of Alabama at said town, which was read and referred to the committee on the State bank, to consider and report thereon.

Accounts were presented, by Mr Hill of H. of the sheriff of Henry county—by Mr Collier, of the sheriff of Washington county—by Mr Hudson, of the sheriff of Franklin county—by Mr Chamberlain, the account of William M. Garrow, prosecuting attorney, which were severally read and referred to the committee on accounts.

Mr Speaker laid before the house, the record and proceedings of the circuit court of Madison county, exercising jurisdiction in chancery, in the case of Betsey Fellon against John Fellon for divorce; the record of the circuit court of Tuscaloosa county, in the case of Martha Wright against Edwin Wright for divorce; the record and proceedings of the circuit court of said county, in the case of Abraham Perkins against Diana Perkins for divorce; also, the record and proceedings of the circuit court of Madison county, in the case of Anna Sanders against William Sanders for divorce; and also, the record and proceedings of the circuit court of Baldwin county, in the case of Elizabeth Singleterry against Thomas T. Singleterry for divorce: they were severally read and referred to the committee on divorce and alimony.

Mr Sanders of D. presented the petition of William Wilson of Dallas county, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on emancipation.

Mr Beene presented the petition of Susanna Jackson of Dallas county, praying the passage of a law to authorise the sale of a certain tract of land therein named, which was read and referred to the judiciary committee to consider and report thereon.

Mr Speaker laid before the house a statement of the president and cashier of the branch of the bank of the State of Alabama, located at the town of Montgomery, shewing the affairs and condition of said bank and its operations for twelve months last past. *Ordered* that the document lie on the table.

Mr Jackson presented the petition of sundry inhabitants of Lauderdale county, praying the passage of a law to authorise the building a bridge across second creek in said county, which was read and referred to a select committee: whereupon, Messrs Jackson, Carmack and McRae were appointed said committee.

Mr Jackson presented the petition of sundry citizens of Lauderdale county, praying the removal of certain restrictions imposed on the commissioners of roads and revenue of said county, which was read and referred to a select committee, consisting of messrs Jackson, Carmack and McRae.

Mr Chamberlain presented the petition of Lewis G. Glover, as also the petition of John B. Savage of the county of Mobile, praying the passage of a law to emancipate certain slaves therein named, which were severally read and referred to the committee on emancipation to consider and report thereon.

Mr Hill of H. and D. presented the petition of sundry inhabitants of

Henry county, praying the passage of a law appointing commissioners to locate the seat of justice of said county, which was read and referred to a select committee, consisting of Messrs Hill of H. and D. Evans and Salter to consider and report thereon.

Mr Fortson called up the document in relation to the election of Elijah Price, as a representative from the county of Sumpter: Mr Fortson then moved, that the document be referred to the committee on privileges and elections, which was carried.

Mr Horton presented the petition of sundry citizens of the town of Erie in Greene county, praying the passage of a law to incorporate said town, which was read and referred to a select committee, consisting of Messrs Horton, Fortson and Hudson, to consider and report thereon.

Mr Beene presented the petition of Susan Wade of the county of Dallas, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on emancipation.

Mr Sanders of L. presented the petition of sundry citizens of Limestone county, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on emancipation.

Mr Hallett presented the petition of sundry inhabitants (Creoles) of the county and city of Mobile, praying a repeal of the law, entitled "an act, to prevent the introduction of slaves into Alabama and for other purposes" so far as they are concerned, which was read and referred to a select committee, consisting of messrs Hallett, Chamberlain and Ormond.

Mr Hallett presented the petitions of John Bloodgood, Henry Bright, Anitatia Andre and Romeo Andre, citizens of the city of Mobile, praying the passage of a law to emancipate certain slaves in said petitions named, which were severally read and referred to the committee on emancipation.

On motion of Mr Rather, *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of passing a law, authorising the judges of the county courts and commissioners of roads and revenue to levy a county tax, not exceeding one hundred per cent. on the State tax, for county purposes, and report by bill or otherwise.

Mr Hudson introduced a bill, to be entitled an act to change the times of holding the county courts of the county of Franklin, which was read the first time, and the constitutional provision requiring bills to be read on three several days, being dispensed with, the bill was then read a second time forthwith and the rule being further dispensed with. it was considered as engrossed, read the third time forthwith and passed; *Ordered*, that the title be as aforesaid; *Ordered*, that the same be sent to the senate for their concurrence.

Mr Brickell introduced a bill to be entitled an act to provide for building a public jail and penitentiary house in this state; which was read and ordered to a second reading.

On motion of Mr Jackson, *Resolved*, That the doorkeeper be instructed to have new locks and new covering put on the members desks, and curtains for the windows of the hall of the house of representatives.

Mr Jackson presented the petition of the heirs and legal representative of William C. Allen, deceased, late of Lauderdale county, praying the passage of a law to authorise the sale of a certain tract of land therein named, which was read and referred to the judiciary committee.

Mr Norwood presented the petition of sundry inhabitants of Jackson county, praying that an election precinct be established at Seraper in said county, which was read and referred to the committee on privileges and elections.

Mr Norwood introduced a bill to be entitled an act, providing a man

summary mode for the trial of persons charged with the commission of assault and battery, which was read and ordered to a second reading.

On motion of Mr Hudson, *Resolved*, That with the concurrence of the senate, both branches of the general assembly, will, on Friday the 22nd instant, at the hour of 3 o'clock P. M. assemble in the representative hall, for the purpose of going into an election of a judge of the county court of the county of Franklin: *Ordered*, that the clerk acquaint the senate therewith.

On motion of Mr Fortson, *Resolved*, That the military committee be instructed to inquire into the expediency of attaching the militia of the county of Sumpter to the sixth brigade of Alabama militia, with instruction to report by bill or otherwise.

On motion of Mr Beene, *Resolved*, That the representatives of the counties of Dallas and Perry be constituted a committee to inquire into the expediency of establishing a branch of the bank of the State of Alabama in the county of Dallas, and report the result of their deliberations to this house.

And then the house adjourned until to-morrow morning, 10 o'clock.

Thursday, November 21, 1833.—Mr Porter presented the petition of Charles Tait, of Monroe county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on emancipation.

On motion of Mr Sanders of L.: *Resolved*, That with the concurrence of the senate, the two houses will proceed on to-morrow, at the hour of 11 o'clock, in joint meeting in the representative hall, to examine, enumerate and ascertain the votes given at the last general election for governor of this State, and to decide and determine on said election: *Ordered*, That the clerk acquaint the senate therewith.

Mr Hopkins presented the petition of Solomon Spence and Daniel McLeod, of Madison county; as also, the petition of Harry I. Thornton, of the town of Huntsville in said county; as also, the petition of Henry Townsend of said county, praying the passage of a law to emancipate certain persons in said petitions named; which were severally read and referred to the committee on emancipation, to consider and report thereon.

On motion of Mr Rather: *Resolved*, That all applications for emancipation be submitted to the committee on emancipation, and that they be instructed to frame such general bill on the subject as will best comport with the interest and policy of the State.

Mr Gayle presented the petition of sundry inhabitants of Dallas county, praying that the ferry established across the Alabama river, called Abercrombie's ferry, at the mouth of Short's creek be discontinued; which was read and referred to the representation of Dallas county, to consider and report thereon.

Mr Hill of S. presented the petition of sundry inhabitants of Talledega county, praying the passage of a law to appoint commissioners to locate the seat of justice of said county; which was read and referred to the representation of Shelby and St. Clair counties.

Mr Speaker laid before the house the record and proceedings of the circuit court of Mobile county, exercising jurisdiction in chancery, in the case of Susan Poole against Samuel Poole for divorce; as also the record and proceedings of the circuit court of Wilcox county, in the case of A. M. Brown against Morgan G. Brown for divorce; which were severally read and referred to the committee on divorce and alimony, to consider and report thereon.

On motion of mr Sanders of L: *Resolved*, That the doorkeeper be authorized to purchase a book-case, for the use of the clerk's office.

On motion of mr Houston: *Resolved*, That the committee on roads, bridges and ferries be instructed to inquire into the expediency of changing the mode of trying overseers of roads, and also changing the mode of contracting for timber.

On motion of mr Brickell: *Resolved*, That the committee on the State bank be instructed to inquire into the expediency of amending the laws in relation to suits against delinquent debtors to said bank and its several branches, so as to require those suits to be brought in the county in which debtors reside; also, that said committee be instructed to inquire into the expediency of reducing the tax fees of the attorney of the bank on protested bills of exchange.

Mr Ware introduced a bill to be entitled, an act for the relief of the tax collector of Tallapoosa county; which was read and ordered to a second reading.

Mr Collier introduced a bill to be entitled, an act to establish an election precinct in Washington county; which was read and ordered to a second reading.

Mr Scott introduced a bill to be entitled, an act to incorporate the Montgomery rail road company; which was read and ordered to a second reading.

A message was received from the senate by Mr Conner, their secretary: Mr Speaker—The senate have read three several times and passed a bill from the house of representatives, entitled an act to change the times of holding the county courts of the county of Franklin.

On motion of Mr Hudson: *Resolved*, That the committee on lands appropriated for internal improvement, be instructed to inquire into the expediency of dividing the fifth and last payment due on said lands, into two equal payments, and that they report by bill or otherwise.

On motion of Mr Hall of A: *Resolved*, That with the concurrence of the senate, the two houses will assemble in the representative hall on Friday at 3 o'clock, p. m. for the purpose of going into the election of judge of the county court of Autauga county: *Ordered*, That the clerk acquaint the senate therewith.

Mr Beene introduced a bill to be entitled, an act to make provision for the people of the county of Dallas, to locate the seat of justice permanently in said county; which was read and ordered to a second reading.

Mr Hill of S. introduced a bill to be entitled, an act to provide further for taking the census of Coosa county, which was read the first time, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and referred to a select committee, consisting of Messrs Hill of S. Nabors and Farrar.

Mr Speaker laid before the house a communication from the president and cashier of the bank of the State of Alabama, showing the transactions of the bank for twelve months last past. *Ordered*, That said communication lie on the table.

Mr Hudson offered the following as one of the rules of the house: No. 44. The house shall convene at 9 o'clock, a. m. of each day, and shall continue in session until all the orders of the day shall have been disposed of, unless the house shall otherwise determine; which lies over one day for consideration.

Agreeably to a resolution adopted on the 19th instant, the house resolved itself into a committee of the whole house, on the message of his excellency the governor, Mr Ormond in the chair, and after some time spent in

consideration of the same, the committee rose; Mr Speaker resumed the chair, and Mr Chairman reported the following resolutions, which were severally concurred in and adopted by the house:

Resolved, That so much of the governor's message as relates to the establishment of a State penitentiary, be referred to the judiciary committee.

Resolved, That so much of the governor's message as relates to the line between this State and Georgia, with the accompanying documents in relation to that subject, be referred to a select committee; whereupon messrs Creagh, Chamberlain and Rains were appointed said committee.

Resolved, That so much of the governor's message as relates to education, be referred to the committee on education.

Resolved, That so much of the governor's message as relates to the branch banks of the State of Alabama, located at Mobile, Montgomery and Decatur, be referred to the committee on the State bank.

Resolved, That so much of the governor's message as relates to the compromise bill, which passed the last congress of the United States, modifying the tariff laws, be referred to a select committee, whereupon, Messrs. Jackson, Hopkins, Porter, Creagh and Gayle were appointed said committee.

Resolved, That so much of the governor's message as relates to the public lands, be referred to a select committee; whereupon, messrs Lawson, Webster and Harris were appointed said committee.

Resolved, That so much of the governor's message as relates to the settlers in the new counties in the Creek country, and the relations arising therefrom, between the State and general government, be referred to a special committee; whereupon, Messrs Beene, Scott, Lee, Jackson, Horton, Bonham, Lawson, Ormond and Walker were appointed said committee.

The house then proceeded to the consideration of the orders of the day.

The joint memorial to the congress of the United States, in relation to the public lands, was read a second time and referred to a select committee; consisting of Messrs Lawson, Ormond, Hudson and Stewart, to consider and report thereon.

The bill entitled, an act to repeal an act entitled an act, to amend the several acts relating to the 16th sections, was read the second time and referred to the committee on education.

The bill entitled, an act to amend an act, entitled an act for the relief of master builders and mechanics of the State of Alabama, passed June 15th 1821, was read a second time and referred to the judiciary committee.

The bill entitled an act, to provide for the building a public jail and penitentiary house in this State, was read the second time and referred to the judiciary committee, to consider and report thereon.

The bill entitled an act, providing a more summary mode for the trial of persons charged with the commission of assault and battery, was read the second time and referred to a select committee, consisting of Messrs Norwood, Carmack, Webster and Harris, to consider and report thereon.

And the house adjourned till to-morrow 10 o'clock, a. m.

Friday, November 22, 1833.—On motion: *Ordered*, That Mr Hallett be added to the committee on the State bank. On motion: *Ordered*, that Messrs Hudson and Barron be added to the committee on accounts. On motion: *Ordered*, that messrs Sanders of L. Massey and Beene be added to the committee on inland navigation.

Mr Williams presented the petition of Benjamin T. Tierce and others of Tuscaloosa county, praying the passage of a law to authorize said Tierce to establish a ferry across North river, on Crabb's road, which was read and

referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr McRae presented the certificates of T. J. Frierson and J. C. Waddell, on the subject of the rents of University lands; they were severally read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Lee presented the account of the jailer of Perry county, which was read and referred to the committee on accounts to consider and report thereon.

Mr Brickell made the following report: The committee on enrolled bills, have examined and find correctly enrolled, "an act to change the times of holding the county courts of Franklin county".

Mr Farrar, from the select committee, to which was referred the petition of sundry citizens of the county of St. Clair, reported a bill to be entitled an act, specifying the distance of residence from the seat of justice, that the judge of the county court of St. Clair county may reside; which was read and ordered to a second reading.

Mr Lawson, from the select committee, to which was referred the joint memorial to the congress of the United States in relation to the public lands, reported an amendment, by striking out the words "and still occupy them," which was adopted; it was ordered to be engrossed for a third reading.

On motion of Mr Massey: *Resolved*, That the committee on county boundaries, be instructed to inquire into the expediency of laying off all that part of the State of Alabama, now occupied by the Cherokee Indians; into one or more counties, with leave to report by bill or otherwise.

Mr Hill of S. from the select committee, to which was referred the petition of sundry citizens of Talledega county, reported a bill to be entitled an act, to permanently locate the seat of justice in the county of Talledega, which was read and ordered to a second reading.

A message was received from the senate by Mr Conner, their secretary: Mr Speaker—The senate concur in the resolution from the house of representatives, to assemble in the hall of the house of representatives for the purpose of examining the votes given for governor of this State, at the last August election, this day at 11 o'clock: *Ordered*, that said message lie on the table.

On motion of Mr Rather: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of altering the mode of appointing assessors.

On motion of Mr McDavid: *Resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating the three per cent fund to the different objects of internal improvement in this State, and that they report by bill or otherwise.

On motion of Mr Massey: *Resolved*, That the military committee be instructed to inquire into the expediency of forming all the counties in this State, into divisions, brigades and regiments, which are not included in others, with leave to report by bill or otherwise.

Mr Nabors presented the account of the sheriff of Shelby county, which was read and referred to the committee on accounts.

On motion of Mr Ormond: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law to authorize the examination of parties to suits at common law.

On motion of Mr Musgrove: *Resolved*, That the committee on education, be instructed to draft a suitable memorial to the congress of the United States, asking a grant of land for the use of each township, where the

10th sections have proved valueless, in the following manner, or in some such apportioned quantity, viz: one section, where the inhabitants of such township or townships amount to forty white inhabitants; three quarter sections where the white inhabitants shall amount to thirty; and one half section, where the white inhabitants amount to any number less than thirty, to be taken or selected from any unappropriated lands, lying within the bounds of this State, to be applied to the specific purpose of education, within the bounds of the township, for which any such selection may be made.

On motion of mr Hall of B: *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing the election precinct at the house of Madam McKinsey's, on Bon Secure, Baldwin county, and to establish one in lieu thereof, at the house of Augustin Lacoast on Bon Secure, in said county of Baldwin.

Mr Simmons introduced a bill, to be entitled an act, to authorize one justice of the peace to take probate of deeds and relinquishment of dower, which was read and ordered to a second reading.

Mr Hill of S. presented the accounts of the sheriff of Talledega county; they were severally read and referred to the committee on accounts to consider and report thereon.

Mr Harris presented the accounts of the sheriff of Limestone county; they were severally read and referred to the committee on accounts.

On motion of mr Morrisett, *Resolved*, That the committee of ways and means be instructed to inquire into the expediency of making a further reduction of the State taxes.

On motion of mr Musgrove, *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of applying one half of the three per cent fund in equal dividends to the several counties now established in this State, and the other half to the purposes of clearing out obstructions in such rivers as may be known to be practicable, in equal proportion according to the grade of the same, with leave to report by bill or otherwise.

Mr Horton presented the account of the sheriff of Greene county, which was read and referred to the committee on accounts, to consider and report thereon.

On motion of mr Hudson, *Resolved*, That the committee on lands appropriated for internal improvement, be instructed to inquire into the expediency of passing a law, authorizing the entry at one dollar and twenty-five cents per acre, any of such lands, which have been valued at a higher price and which have remained unentered, for any length of time, at the price at which it was valued, with leave to report by bill or otherwise.

Mr Carithers introduced a bill, to be entitled an act, to repeal in part an act now in force confining the collection of debts before a justice of the peace, in the beat where the contract was made, which was read and ordered to a second reading.

On motion of mr Rather, *Resolved*, That the senate be informed that the house of representatives is now ready to receive them in their hall for the purpose of counting the votes given at the last August election for governor of the State of Alabama. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives and taken their seats; mr Speaker proceeded to open and publish returns from the several counties from which returns had been received, which having been done, mr Speaker declared John Gayle, Esq. to have received nine thousand seven hundred and fifty votes, he having received all the votes,

Mr Speaker therefore, arose and announced, that John Gayle, Esq. was duly and constitutionally elected governor of the State of Alabama for the ensuing two years. And then the senate withdrew.

On motion of Mr Lawson, *Resolved*, That the committee on lands appropriated for internal improvement, be instructed to inquire into the expediency of making some provision for the disposal of those lands which have been sold and have reverted for non-payment of the instalment due, and which have been offered at public sale and were not bid for, and that they report by bill or otherwise.

On motion of Mr Sanders of L. *Resolved*, That a committee be appointed to draft a suitable memorial to the congress of the United States, praying that body to so alter the mode of selling the public lands as wholly to abolish sales at public auction to the highest bidder, and in lieu thereof to permit the entry of all lands hereafter sold in tracts, not exceeding — quarter sections by the proper occupants, at the minimum price thereof, at the time of such entry; and that said memorial request a gradual reduction of the minimum on all lands after the same may have been offered and remain unsold for the term of — years, and that such lands may be entered in forty acre tracts.

And be it further resolved, That said committee be instructed to set forth in said memorial the expediency of so reducing the minimum price on such refuse lands as have been offered for sale for years past and still remain unsold as will justify settlers to enter them for the use of timber &c. whereupon messrs Sanders of L. Webster, Hudson, Harris and Stewart were appointed said committee.

Mr Harris introduced a bill, to be entitled an act, to repeal the 13th section of an act, entitled an act, concerning attachments, approved January 12th, 1833, which was read and ordered to a second reading.

Mr Porter introduced a bill, to be entitled an act, concerning escheats, which was read and ordered to a second reading.

The house then proceeded to the consideration of the orders of the day.

The bill entitled an act for the relief of the tax collector of Tallapoosa county, was read the second time and referred to the committee on accounts.

The bill, entitled an act, to establish an election precinct in Washington county, was read the second time and referred to the committee on privileges and elections to consider and report thereon.

Mr Hudson moved the adoption of rule No. 44 introduced on yesterday: Mr Brickell moved that it lie on the table, which was carried.

The bill entitled an act to incorporate the Montgomery rail road company, was read the second time and referred to a select committee, consisting of messrs Scott, Ware, Porter, Jackson and Simmons.

The bill entitled an act, to make provision for the people of the county of Dallas to locate permanently the seat of justice of said county, was read the second time and referred to the representatives of Dallas county to consider and report thereon.

And then the house adjourned until to-morrow morning 10 o'clock.

Saturday, November 23, 1833.—On motion, *Ordered*, that Mr Taylor be added to the military committee. On motion, *Ordered*, that Mr Hopkins be added to the committee on the State Bank. On motion, *Ordered*, that Mr Lawson be added to the committee on lands appropriated for internal improvement. On motion, *Ordered*, that Mr Webster be added to the committee on accounts. On motion, *Ordered*, that Mr Houston be added to the committee on roads, bridges and ferries. On motion, *Ordered*, that Mr McDavid be added to the committee on inland navigation.

A message was received from the senate by mr Connor: mr Speaker—The senate have adopted the following resolution: *Resolved*, That a committee be appointed on the part of the senate to act jointly with such committee as may be appointed on the part of the house of representatives, to wait on his excellency, John Gayle, and inform him of his election to the office of governor of the State of Alabama, and that said committee ascertain and report, when it will suit his convenience to take the oaths of office, and have appointed on their part, messrs McVay, Lyon and Lane, in which they ask the concurrence of the house of representatives—in which resolution the house concurred; whereupon, messrs Rather, Davis and Fortson were appointed said committee. *Ordered*, that the clerk acquaint the senate therewith.

Mr Rather presented the petition of James B. McLosky, administrator of the estate of Jeremiah Hook, deceased, late of Morgan county, praying the passage of a law to authorize the transfer of a certain land certificate therein named, which was read and referred to the judiciary committee, to consider and report thereon.

Mr Scott presented the petition of sundry inhabitants of Lowndes county, praying that an election precinct be established at the store house of James M. Howard in said county, which was read and referred to the committee on privileges and elections.

Mr Sanders of D. presented the petition of sundry inhabitants of the lower part of Dallas county, praying that the ferry established across the Alabama river, at the mouth of Short's creek, may not be discontinued, which was read and referred to the representation of Dallas county.

Mr Hudson presented the petition of the president, directors and company of the Tusculum, Courtland and Decatur rail road company, asking permission to run the rail road over a certain quarter section of land free of expense, which was read and referred to a select committee; whereupon, messrs Hudson, McRie and Musgrove were appointed said committee.

Mr Porter presented the account of the sheriff of Moore county—mr Creagh, of the jailer of Clark county—mr Sumners, of James H. Gorman of Autauga county; they were severally read and referred to the committee on accounts, to consider and report thereon.

Mr Speaker laid before the house the report of the commissioners appointed to examine the branch of the bank of the State of Alabama located at Decatur, which was read. *Ordered*, that said report lie on the table.

Mr Speaker laid before the house a communication from the president and cashier of the branch of the bank of the State of Alabama, located at the city of Mobile. *Ordered*, that said communication lie on the table.

Mr Speaker laid before the house a communication from the comptroller of public accounts, showing the disbursements of the contingent fund. *Ordered*, that the communication together with the accompanying document lie on the table, and that one hundred copies thereof be printed for the use of the house.

Mr Hopkins made the following report:

The Judiciary committee, to which was referred the petition of George Simmons administrator of William C. Allen, deceased, and others, and that of Susanna Jackson, has instructed me to report, that the object of the first petition is to obtain the enactment of a statute to authorize the administrator to sell and convey "a tract of land" which descended from William C. Allen upon his death to his heirs, who were all infants under the age of twenty one years. The petition does not show when William C. Allen died, if it occurred after the passage of the act of 1822, which gives power to the county court of the proper county to decree, that the real estate of any testator or intestate shall be sold upon the application of the executor or administrator, and satisfactory proof made by him to the court, that such estate cannot be equally and beneficially divided among the heirs or devisees. The object of the petitioners' can be attained by an order of the county court of the county which granted the letters of administration to G. Simmons. The right to an inheritance, in the case supposed, is acquired by heirs or devisees

subject to this power in the county courts, the exercise of which would deprive them of the title to the real estate, that had descended upon, or been devised to them and give them a right to the money for which the estate should be sold.

If Allen died before the enactment of the statute, which has been referred to, the relief sought can be obtained in a court of chancery only; such a court has power to change the nature of the estates of infants, or to order their lands to be sold, and the proceeds of the sale invested in the purchase, for them, of other lands. This power is always exercised, when it is shown that an infant's interest requires it, and subject to it, all infants take and hold inheritances, but after the rights of infants have vested, the legislature has no power to authorize a conveyance of them to others, and as they are legally incapable of giving their consent to any such conveyance, an act of the General Assembly directing their real estate to be sold, would be as void as a statute would be, which ordered the land of a person over the age of twenty-one years to be sold without his consent. Sales in such cases upon legislative enactments, would be of lawsuits instead of lands. If the value of the estate should increase after the sale, it must be expected, that the proprietor when he ceased to be an infant, would assert his right to it; if he should do so, the result must be, that he would recover it, and the purchaser be left without any other right from the transaction, than to a just but fruitless complaint against the act which deceived him.

From the petition alone of Susanna Jackson, it appears, that she applies to the legislature for authority to sell her own land, but from information received from other sources, the land embraced by her petition, belongs doubtless to the estate of her deceased husband, whose heirs are all infants—her case, therefore, is within the principles which apply to others.

In which the committee ask the concurrence of the house. Mr Jackson moved that the report lie on the table, which was lost.—Yeas 15, Nays 49.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Beene, Brown of M. Davis, Farrar, Gayle, Harkins, Hollis, Hudson, Jackson, Nabors, Rather, Sanders of L. Taylor and Ware.

Those who voted in the negative, are Messrs Speaker, Armbruster, Brown of J. Barron, Bonham, Bowin, Brickell, Carithers, Carmack, Chamberlain, Creagh, Evans, Fleming, Fortson, Gardner, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Johnson, Jones of M. Jones of T. Lawson, Lee, McDavid, McRae, Miree, Morrisett, Musgrove, Norwood, Ormond, Pegues, Porter, Rains, Salter, Sanders of D. Scott, Simmons, Stewart, Sumners, Walker, Webster, M. D. Williams and T. Williams.

The question was to concur in the report, and carried. Yeas 56, Nays 5.

The yeas and nays being demanded, those who voted in the affirmative are Messrs Speaker, Armbruster, Barron, Beene, Bonham, Bowin, Brickell, Brown of J. Carithers, Carmack, Chamberlain, Collier, Creagh, Evans, Fleming, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Lawson, Lee, McDavid, McRae, Miree, Morrisette, Musgrove, Nabors, Norwood, Ormond, Pegues, Porter, Rains, Salter, Sanders of D. Scott, Simmons, Stewart, Sumners, Walker, Ware, Webster, M. D. Williams and T. Williams.

Those who voted in the negative, are Messrs Brown of M. Farrar, Hollis, Sanders of L. and Taylor.

Mr. Brown, of Jefferson, made the following report: The committee on privileges and elections, to which was referred the credentials of Elijah Price, who claims a seat in this House as a Representative from the county of Sumpter, have carefully investigated the subject submitted to them and have directed me to report; that they find that the county of Sumpter was created by an act of the General Assembly of the State of Alabama, passed the 13th December, 1832, out of a portion of the lands ceded by the Choctaw nation of Indians to the United States and within the State of Alabama, and that the territory which composes it never before belonged to any other county in this State.

They further find, that the said county was organized by another act, passed January 12th 1833 which establishes a court house in said county and provides for the election of a sheriff, clerks, &c; that a judge of the county court has been elected; circuit and county courts established as well as a court of revenue, roads, &c; that election precincts have been established by law in said county, and that taxes have been assessed and collected therein.

Your committee further find, that the census of said county has been taken, but that the same has not yet been returned to the office of the Secretary of State, but from secondary evidence adduced before them, they are satisfied that the population of said county exceeds six thousand and is, perhaps, over seven thousand souls, a majority of whom are whites, and they are well satisfied that the county did contain, in August last, far more white inhabitants than are necessary for one representative by the existing ratio.

They find further, that in August last, an election was held under the constitution for a representative for said county, and that Elijah Price was duly elected.

They are informed, that at said election, 459 votes were given for a representative, of which Mr Price received 377. They find that his election was duly held in the mode prescribed by the laws and constitution, and regularly conducted. They have likewise ascertained, that the portion of the Choctaw nation within this State, which was by law annexed to the counties of Pickens and Washington, voted with said counties respectively. Your committee, however, find that no apportionment was ever made by which the county of Sumpter was allowed a representative, and no law passed, specially, directing an election for one.

Upon these facts, the question has arisen, is the member elect entitled to the seat he claims, and is the county of Sumpter entitled to a representative?

Your committee have weighed this question with some care, and are of opinion, that under the proviso in the 9th section of the 3d article of the constitution, the county of Sumpter is entitled at this time, to one representative, and that there is nothing in said constitution which is applicable to a county situated as Sumpter is to defeat that right. Your committee are further of opinion, that in this case, the laws which have been passed are sufficient to enable the people of Sumpter county properly to assert this constitutional right at this time.

Your committee have searched the proceedings which have been heretofore had in this general assembly, for precedents applicable to this case—they have not found any precisely in point. They have examined, however, the case of the senator and representatives of Jackson county, elected in 1820, being the one most similar to this, and as far as it can operate as a precedent, they believe it favorable to the decision now made by the committee.

Your committee, therefore, respectfully submit the following resolution:

Resolved, that the county of Sumpter is duly entitled at this time to be represented by one representative, and that Elijah Price is duly entitled to take his seat in this house as a representative from said county.

Mr Brown of J. moved that the further consideration of the report and resolution be postponed until Tuesday next, which was agreed to.

On motion of mr Brown of J: *Resolved*, That mr Elijah Price, the member returned from the county of Sumpter, be admitted on Tuesday next, at the hour of 11 o'clock, A. M. to appear by himself or counsel, in support of his right to a seat in this house.

Mr Hill of S. from the select committee, to which was referred the bill entitled "an act to provide further for taking the census of Coosa county," reported the same without amendment, and the rule requiring bills to be read on three several days, being dispensed with, it was considered as engrossed and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid: *Ordered*, that the same be sent to the senate for their concurrence.

On motion of mr Fleming: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of establishing a branch of the bank of the State of Alabama, in the town of Huntsville, with leave to report by bill or otherwise.

On motion of mr Hall of B: *Resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of passing a law to incorporate a company to establish a rail road from Mobile to Vicksburg on the Mississippi river, with leave to report by bill or otherwise.

On motion of mr Houston: *Resolved*, That the committee on propositions and grievances, be instructed to inquire into the expediency of memorializing congress on the propriety of establishing a pension office in North Alabama.

On motion of mr Ware: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of altering the law now in force, in regard to the time that administrators and executors are compelled to return insolvent estates, as such, and that they have leave to report by bill or otherwise.

On motion of mr Carmack: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the usury law of this State, as to compel the makers or assigners of usurious bonds or notes to pay the sums thus borrowed with lawful interest thereon, with leave to report by bill or otherwise.

On motion of mr Morrisett: *Resolved*, That the judiciary committee be instructed to take into consideration, the recent destruction of the court house of Monroe county and the loss of records which has thereby ensued, and so frame a bill, authorizing the appointment of a sufficient number of commissioners to take testimony, and to re-instate all judgments, records and papers; and further, to authorize the judge of the county court to compel a new settlement of estates, wherein the evidences of the same shall have been destroyed.

Mr Brown of J. introduced a bill to be entitled an act to provide for the

payment of grand and petit jurors in Jefferson county, which was read and ordered to a second reading.

On motion of mr Ormond: *Resolved*, That the committee on lands appropriated for internal improvement, be instructed to inquire into the expediency of passing a law to authorize the entry of lands, which have been advertised for sale and not sold for want of bidders.

Mr Rather made the following report: The joint committee of the two houses, appointed to wait on the governor elect, and inform him that he is elected governor of the State of Alabama, and to ask him when it will be convenient for him to be inaugurated, have performed that duty, and received for answer, that he will take the oaths of office on Thursday next, at the hour of 12 o'clock: *Ordered*, that the report lie on the table.

Mr Carmack introduced a bill, to be entitled an act, to secure the payment of costs and to prevent malicious law suits, which was read and ordered to a second reading.

Mr McRae introduced a bill, to be entitled an act, to regulate the duty of the register of the land office at Courtland, which was read and ordered to a second reading.

On motion of mr Fleming: *Resolved*, That this house will proceed forthwith to elect a committee to consist of three members, to act with the committee that may be elected on the part of the senate, to examine the Bank of the State of Alabama. The house then proceeded to the election of said committee. Messrs Hallett, Jackson, Beene, Ormond and Fleming being in nomination: Messrs Jackson, Ormond and Hallett having received a majority of votes; mr Speaker, therefore, declared them duly elected the committee to examine the affairs of the Bank of the State of Alabama.

The house then proceeded to the consideration of the orders of the day.

The engrossed joint memorial to the congress of the United States in relation to the public lands, was read the third time and passed: *Ordered*, that the title be as aforesaid: *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, permanently to locate the seat of justice in the county of Talledega, was read the second time and referred to the committee on propositions and grievances.

The bill entitled an act, specifying the distance of residence from the seat of justice, that the judge of the county court of St. Clair county may reside, was read the second time and ordered to be engrossed for a third reading.

The bill entitled an act, to repeal in part an act now in force, confining the collecting of debts before a justice of the peace, in the beat where the contract was made, was read the second time: mr Brown of J. moved to strike out the 2d section of the bill, which was carried; mr Jackson moved that the bill be referred to the judiciary committee, with instructions to inquire into the expediency of enacting a general law on the subject, which was carried.

Bills of the following titles, to wit: An act to repeal the 13th section of an act, entitled an act concerning attachments, approved January 12th 1833. An act concerning escheats; and an act to authorize one justice of the peace to take probate of deeds and relinquishment of dower; were severally read the second time and referred to the judiciary committee.

On motion of mr Rather: *Resolved*, That the Reverend A. Woods, be invited to attend in the house of representatives on Thursday-next, at

the hour of 12 o'clock, for the purpose of officiating as chaplain at the installation of the governor.

Mr Lawson introduced a bill to be entitled an act, to incorporate the town of Moulton, in the county of Lawrence, which was read and ordered to a second reading.

And then the house adjourned until Monday morning 10 o'clock.

Monday, November 25, 1833.—Mr Hopkins presented the petition of sundry inhabitants of Madison county, praying the passage of a law to incorporate a turnpike company in said county, which was read and referred to the representation of said county, to consider and report thereon.

Mr Speaker laid before the house, the record and proceedings of the circuit court of Wilcox county, exercising jurisdiction in chancery, in the case of James Luke against Mary Luke for divorce, which was read and referred to the committee on divorce and alimony, to consider and report thereon.

Mr Chamberlain presented the petition of the stockholders of the bank of Mobile, praying the passage of an act to extend the continuance of the present charter, of said bank for the term of twenty years, after the expiration and determination of the present charter, and to authorize the capital stock thereof to be increased; which was read and referred to the committee on the State Bank, to consider and report thereon.

Mr Chamberlain presented the petition of sundry citizens of the city of Mobile on the same subject, which was read and referred to the same committee, to consider and report thereon.

Mr Rine presented the petition of sundry inhabitants of Maringo county on the same subject, which was read and referred to the same committee, to consider and report thereon.

Mr Houston, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Tuscaloosa county, praying the passage of a law, granting Benjamin T. Pierce a ferry across North river on Crabb's road, reported it inexpedient to legislate on the subject, inasmuch as they believe the county court has full power to grant the prayer of the petitioners; in which report the house concurred.

Mr Beane, from the select committee to which was referred a resolution to inquire into the expediency of establishing a branch of the bank of the State of Alabama, in the county of Dallas, reported a bill to be entitled an act, to establish a branch of the bank of the State of Alabama, in the county of Dallas, which was read the first time; Mr Jackson moved that the bill lie on the table, which was carried.

Samuel C. Oliver, a representative from the county of Montgomery, appeared in the hall of the house of representatives, was qualified and took his seat.

Mr Hallett, from the select committee, to which was referred the petition of Faustin Collins and others, reported a bill to be entitled an act, to authorize the instruction of certain free persons of color therein described, which was read and ordered to a second reading.

Mr Hall of B. from the committee on roads, bridges and ferries, to which was referred the resolution instructing them to inquire into the expediency of changing the mode of trying overseers of roads, and also of changing the mode of contracting for timber, reported a bill to be entitled an act, to provide for compensation to persons whose timber or other materials have been employed for the use of the public roads, and for the trial of defaulting overseers; which was read and ordered to a second reading.

Mr Gayle, from the select committee, to which was referred the petition

of John Fanning and others of Dallas county, praying the repeal of the law establishing a certain ferry on the Alabama river therein named, and the petition of Leonard Abercrombie and others, praying the continuance of said ferry by law, reported a bill to be entitled an act, to repeal an act therein mentioned, which was read the first time; mr Sanders of D. moved that the bill lie on the table, which was carried.

Mr Hall of B. introduced a bill to be entitled an act, to exempt fifty head of cattle from taxation and for other purposes, which was read and ordered to a second reading.

Mr M. D. Williams introduced a bill to be entitled an act, to secure to the University of the State of Alabama, the nett proceeds arising from the funds of the University, which are vested in the Bank of the State of Alabama, which was read and ordered to a second reading.

On motion of mr Porter: *Resolved*, That the judiciary committee be instructed to inquire into the necessity of establishing a separate court of chancery for the State of Alabama, with leave to report by bill or otherwise.

Mr Rains introduced a bill to be entitled an act, to incorporate the Demopolis rail road company, which was read and ordered to a second reading.

The house then proceeded to the consideration of the orders of the day.

Bills of the following titles, to wit: An act to provide for the payment of grand and petit jurors in Jefferson county; and an act to incorporate the town of Moulton, in the county of Lawrence, were severally read the second time and ordered to be engrossed for a third reading.

The bill entitled an act, to secure the payment of costs and to prevent malicious law suits, was read a second time and referred to the judiciary committee.

The bill entitled an act, to regulate the duty of the register of the land office at Courtland, was read the second time and referred to a select committee; consisting of messrs McRae, Lawson and Harkins, to consider and report thereon.

The engrossed bill, entitled an act, specifying the distance of residence from the seat of justice, that the judge of the county court of St. Clair county may reside, was read the third time and passed: *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Hill of S. introduced a bill to be entitled an act, to organize the county of Coosa, which was read and ordered to a second reading.

Mr Hall of A. introduced a bill to be entitled an act, to compensate the commissioners of roads and revenue in the county therein named; which was read and ordered to a second reading.

Mr Hallett presented the report of the commissioners appointed to examine the branch of the bank of the State of Alabama at mobile, which was read: *Ordered*, that said report lie on the table.

Mr Hallett then called up the several reports made by the commissioners appointed to examine the Bank of the State of Alabama and its several branches; mr Hallett moved that five hundred copies of each report, and the documents accompanying the report from the mobile branch bank, be printed for the use of the general assembly, which was carried.

And then the house adjourned till to-morrow morning 10 o'clock.

Tuesday, November 26th, 1833.—Mr Farrar presented the petition of sundry inhabitants of St. Clair county, praying to discontinue and establish an election precinct therein named, which was read and referred to the committee on privileges and elections.

On motion of Mr Evans, *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Bird Fitzpatrick in Macon county.

Mr Harris presented the petition of sundry inhabitants of Limestone county, praying that the election precinct established at the house of Edmund Strange be discontinued, and that an election precinct be established at the house of James R. Jones; which was read and referred to the committee on privileges and elections.

Mr Davis presented the account of Robert Parker, sheriff of Bibb county, which was read and referred to the committee on accounts.

Mr Chamberlain presented the memorial of Benjamin Tardy, captain of the Perseverance Fire Engine, No. 1 of the city of Mobile, praying that said company may enjoy such privileges as the members of Neptune Fire Engine No. 2, of said city, which was read and referred to a select committee; whereupon, messrs Chamberlain, Hallett and Rains were appointed said committee.

On motion of Mr Hill of H. and D. *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending our laws which now relate to the trial of cases for *forcible entry* and *detainer*, so as, that the same, when removed from a magistrates court by writ of certiorari, or otherwise, may be tried in the circuit court to which it may be removed, upon its merits, with leave to report by bill or otherwise.

Mr Carithers presented the account of William A. Scott, late sheriff of Jefferson county, which was read and referred to the committee on accounts to consider and report thereon.

Mr Ware presented the petition of sundry inhabitants of the counties of Montgomery and Autauga, praying the passage of a law to build a toll bridge across the Coosa river, at the town of Wetumpka; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Hopkins from the judiciary committee, to which was referred a resolution, that instructed the committee to inquire into the expediency of enacting a statute to authorize the examination of parties to suits at common law, reported a bill to be entitled an act, to permit the examination of parties to suit at common law, which was read and ordered to a second reading.

On motion of Mr Hall of B. *Resolved*, That the committee on the State Bank, be instructed to inquire into the expediency of establishing a branch of the bank of the State of Alabama, with a capital of two hundred and fifty thousand dollars, to be located at the town of Bakely, in Baldwin county.

On motion of Mr Rains, *Resolved* That the committee on the State Bank, be instructed to inquire into the expediency of establishing a branch of the bank of the State of Alabama, at the town of Demopolis in the county of Marengo.

On motion of Mr M. D. Williams, *Resolved*, That the committee on inland navigation, be instructed to inquire, if any, and what provisions are necessary to be made for obtaining correct knowledge of the several objects proper for improvement, in relation to the navigable waters, and to the roads in this State, and for making a systematic and economical application of the means appropriated to these objects in conformity to the 6th article and 21st section of the constitution of the State of Alabama; with leave to report by bill or otherwise.

On motion of Mr Hudson, *Resolved*, That with the concurrence of the senate, the two houses of the general assembly will, at the hour of 3 o'clock

p. m. on Friday the 29th instant, assemble in the representative hall for the purpose of going into the election of a State printer. *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Simmons, *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Solomon Robbins in Coosa county.

Mr Oliver of m. presented the petition of the officers and privates of the 40th regiment, 15th brigade and 6th division of Alabama militia, praying an alteration in the militia laws, which was read and referred to the military committee, to consider and report thereon.

On motion of mr Hudson, *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of passing a law, requiring the people of this State in all elections, to vote *viva voce*, instead of by ballot, as now provided by law, and that they have leave to report by bill or otherwise.

On motion of mr Chamberlain, *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Lewis Goff in mobile county.

Mr Ormond offered the following resolution: *Resolved*, That the committee on apportionment be instructed so to apportion the representation, that the number of representatives shall be 76, and of senators 25. mr Ormond moved that the further consideration of the resolution be postponed until Thursday next; which was carried.

On motion of mr Beene, *Resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of making a rail road from Selma in the county of Dallas, the most eligible route to or near Gunter's landing on the Tennessee river.

On motion of mr Fleming, *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of discontinuing the election precinct at Henry Brazleton's in madison county, with instructions to report a bill.

Mr Massey introduced a bill, to be entitled an act to provide for the improvement of a part of Coosa river, which was read and ordered to a second reading.

Mr Salter introduced a bill to be entitled an act, to repeal an act entitled an act, allowing the tax collector of Covington county, twenty-five per centum on the amount of the county taxes of said county, passed on the 29th of December, 1832, which was read and ordered to a second reading.

On motion of mr Hall of A. *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election precinct at the house of Hugh McMillan in the county of Coosa.

On motion of mr Harris, *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of appropriating the sum of ——— dollars out of the three per cent fund, for the purpose of improving the navigation of Elk river, from its junction with the Tennessee river to the northern boundary line of this State, so as to co-operate with the State of Tennessee in the completion of the important improvement of rendering said river navigable from Winchester, Tennessee, to its connection with the Tennessee canal, and that said committee report by bill or otherwise.

Mr Speaker laid before the house a communication from the comptroller of public accounts, which is as follows:

Tuscaloosa, 26th November, 1833.

Honorable SAMUEL W. OLIVER, *Speaker of the House of Representatives.*

SIR—In compliance with an act of 1820, which was omitted in Toulmin's digest of the laws of Alabama, but revived in the late revision by John G. Aikin Esq. I have the honor to lay before the house of representatives the accompanying schedule and the original vouchers of claims against the State, which have been filed in this office for the purpose; as also such remarks touching their validity as proper charges on the State treasury and the manner of their authentication, as have suggested themselves to my mind in the course of investigation I have given the subjects, under my duty to audit and report said claims.

Signed,

GEORGE W. CRABB.

Ordered, that said communication together with the accompanying document be referred to the committee on accounts, to consider and report thereon.

Mr Hudson introduced a bill, to be entitled an act, authorising the appointment of an overseer of roads of the town of Russelville and for other purposes, which was read and ordered to a second reading.

Mr Scott presented the petition of sundry inhabitants of Lowndes county, praying to discontinue and establish certain election precincts therein named, which was read and referred to the committee on privileges and elections.

On motion of Mr Rains, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so altering the law relating to bills of exchange and promissory notes, payable to bearer, as to prevent the holder thereof, from suing in his own name as bearer.

On motion, *Ordered*, that Mr Hall of A. be added to the committee on accounts. On motion, *Ordered*, that Mr Porter be added to the committee on emancipation. On motion, *Ordered* that messrs Farrar and Gayle be added to the committee on county boundaries. On motion, *Ordered*, that Mr Evans be added to the committee on privileges and elections.

The house then proceeded to the consideration of the orders of the day. Engrossed bills of the following titles, to wit: An act to provide for the payment of grand and petit jurors in the county of Jefferson. And,

An act to incorporate the town of Moulton, in the county of Lawrence, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, to authorize the instruction of certain free persons of color therein named, was read the second time; Mr Jackson moved that the bill be referred to the judiciary committee, which was carried.

Agreeably to a resolution, the house took into consideration the resolution reported by the committee on privileges and elections in the case of the member elect from the county of Sumpter.

And then the house adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.—On motion; *Ordered*, That Mr Walker be added to the committee on inland navigation.

The house again resumed the consideration of the resolution reported by the committee on privileges and elections, in the case of the member elect from the county of Sumpter. The question was on the adoption of the resolution.

And then the house adjourned until to-morrow morning 10 o'clock.

Wednesday November 27, 1833.—A message was received from the senate by Mr Childress, the assistant secretary of the senate—Mr Speaker: The senate have passed a bill from the house of representatives, entitled an act, further to provide for taking the census of Coosa county.

Mr Hopkins, from the judiciary committee, to which was referred a bill to be entitled an act, concerning escheats, reported a substitute in lieu

thereof, which was adopted; the bill was *ordered* to be engrossed for a third reading.

The house again resumed the consideration of the resolution reported by the committee on privileges and elections, in the case of the member elect from the county of Sumpter.

Mr Morrisett moved the previous question; and the question was, shall the call for the previous question be sustained, which was passed in the affirmative; the main question was then put on the adoption of the resolution, which was determined in the affirmative—yeas 34, nays 33.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Armistres er, Barron, Beebe, Bonham, Bri kell, Brown of J. Brown of M. Carmack, Davis, Du'ose, Ellis, Fortson, Gardner, Gayle, Hall of A. Hill of S. Horton, Lawson, Lee, M'David, Miree, Norwood, Oliver, Pegues, Porter, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Walker, Ware, and M. D. Williams.

Those who voted in the negative are, Messrs Speaker, Bowie, Carithers, Chamberlain, C. H. er, Craigh, Evans, Fleming, Harkins, Hall of B. H. l. et, Harris, Hill of H. and D. Hollis, Hopkins, Houston, Hudson, Jackson, J. huson, Jones of M. Jones of T. Mass y, McRae, M. ri. et, Musgrove, N. bors, Ormend, Rains, Rather, Sumners, T. y or Webster and F. Williams. So the resolution was adopted.

Elijah Price, a representative from the county of Sumpter, appeared within the bar of the hall of the house of representatives, was qualified and took his seat.

And then the house adjourned until to-morrow morning 10 o'clock.

Thursday, November 28, 1853.—A message was received from the senate by mr Conner, their secretary: Mr Speaker—The senate have passed the engrossed joint memorial in relation to public lands, which originated in the house of representatives. They have passed a bill entitled an act, to provide for the further organization of the county of Sumpter. They have also adopted the following resolution: *Resolved*, That three members be appointed on the part of the senate for the purpose of waiting on his excellency the governor, when the hour of 12 o'clock shall arrive on to-morrow, and to inform him that the two houses are then ready to receive him in the representative hall, for the purpose of witnessing the administration of the oaths of office, and that the said committee act with such committee as may be appointed on the part of the house of representatives; they have appointed on their part, messrs Hogan, Lane and Pickett. In all of which, they ask the concurrence of the house of representatives. In which resolution, the house concurred; whereupon, messrs Horton, Scott and Bonham were appointed said committee.

Lawson J. Keener, a representative from the county of Pike, appeared in the hall of the house of representatives, was qualified and took his seat.

Mr Hopkins presented the petition of the mayor and Aldermen and citizens of the town of Huntsville, praying an alteration in the corporation laws of said town, which was read and referred to the judiciary committee.

Mr Farrar presented the petition of sundry inhabitants of St. Clair county, praying the repeal of the act, entitled an act, to exempt certain property from taxation, so far as respects the county of St. Clair, which was read and referred to the committee on propositions and grievances.

Mr Speaker laid before the house the record and proceedings of the circuit court of Montgomery county, exercising jurisdiction in chancery, in the case of Amos Beck against Tempy Beck for divorce; as also, the record and proceedings of the circuit court of Dallas county, exercising jurisdiction in chancery, in the case of Elizabeth Ann Battle against Nathan W. Battle for divorce; they were severally read and referred to the committee on divorce and alimony.

Mr Scott presented the petition of sundry citizens of the town of Mont-

gomery and vicinity, praying the passage of a law to emancipate Dick Blount, a man of color therein named; which was read and referred to the committee on emancipation.

Mr Keener presented the petition of sundry inhabitants of Barbour county, formerly Pike county, praying that John McDonald be allowed compensation for building a bridge across Pea river in said county and clearing out a certain road; which was read and referred to the committee on propositions and grievances.

Mr Nabors presented the petition of sundry inhabitants of Shelby and Jefferson counties, praying that a road be cleared out from Jonesborough in Jefferson county, to Columbiana in Shelby county; which was read and referred to the committee on roads, bridges and ferries.

Mr Brickell made the following report: The committee on enrolled bills have examined and found correctly enrolled; An act, to provide further for taking the census of Coosa county.

Mr Hopkins made the following report: The judiciary committee to which was referred the petition of James B. McLosky, administrator of Jeremiah Hood, has instructed me to report, that the legislature has no power to afford the relief for which the petition asks. Mr Rather moved that the report lie on the table, which was carried.

The same committee, to which was referred a resolution directing the committee to inquire into the expediency of amending the laws that relate to the trial of cases of forcible entry and detainer, reported, that it is inexpedient to make the change suggested by the resolution; in which report the house concurred.

The same committee, to which was referred the bill, entitled an act, to secure the payment of costs and to prevent malicious law suits, reported, that it is inexpedient to pass the bill; in which report the house concurred. Yeas 32—nays 30.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Barr n, Beene, Brown of M. Chamberlain, Creagh, Davis, Ellis, Evans, Farrar, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hill of H. and D. Hudson, Jones of M. Jones of T. Keener, Lawson, Lee, M'Rae, Mree, Morrisett, Ormond, Porter, Rains, Rather, Salter, Sanders of D. Sanders of L. and Simmons.

Those who voted in the negative, are messrs Speaker, Armbruster, Bowin, Brickell, Brown of J. Carithers, Carmack, Dubose, Fleming, Fortson, Hallett, Harris, Hill of S. Hopkins, Houston, Johnson, Missey, M'David, Musgrove, Nabors, Norwood, Oliver, Price, Summers, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Mr Hopkins made the following report: The judiciary committee, to which was referred a bill, entitled an act, to repeal in part an act, now in force, confining the collection of debts before justices of the peace, to the beats in which they were contracted, with instructions to inquire into the expediency of repealing the entire act referred to in the bill, has instructed me to report, that it is inexpedient to repeal the act; the committee has also instructed me to report the bill without amendment. *Ordered*, that said report do lie on the table.

The bill from the senate, entitled an act, to provide for the further organization of Sumpter county, was read the first time, and the rule requiring bills to be read on three several days, being dispensed with, it was read the second time forthwith and referred to a select committee: whereupon, messrs Fortson, Rains and Hudson were appointed said committee.

A message was received from the senate by mr Conner, their secretary: Mr. Speaker—The senate concur in the resolution of the house of representatives, proposing to go into the election of a judge of the county court of Autauga county, on Friday at 3 o'clock, and have amended the same by

instoring the 25th instant after the word Friday; they have further amended the same by adding after the word "Autauga," the words "Conasa, Franklin and Clarke counties;" in which they ask the concurrence of the house. *Ordered*, that the house concur in the amendments made by the senate to said resolution. *Ordered*, that the clerk acquaint the senate therewith.

Mr Sanders of D. from the select committee, to which was referred the bill, entitled an act, to make provision for the people of the county of Dallas to locate the seat of justice permanently in said county, reported a substitute in lieu thereof, which was adopted; the bill was ordered to be engrossed for a third reading.

Mr Hudson from the select committee, to which was referred the petition of Benjamin Sherrard and others, reported a bill to be entitled an act, relating to the Tascumbia, Courtland and Decatur rail road company, which was read and ordered to a second reading.

Mr Horton made the following report: The committee appointed to wait on his excellency the governor, have performed the duty assigned them, and report that his excellency will be ready at the hour of 12 o'clock, to take the oaths of office; and the Reverend Doctor Woods will deliver a prayer on the occasion; they recommend, that seats be furnished for ladies on the floor of the hall, and that both houses convene in the representative hall at 10 minutes after 11 o'clock; in which report the house concurred.

Mr Hopkins, from the Judiciary committee, to which was referred a bill entitled an act, to authorize the justice of the peace to take probate deeds and rulings a part of record, reported a better bill as an amendment of the one that was referred, which was adopted; it was ordered to be engrossed for a third reading.

On motion of Mr Townsend, it was *Resolved*, That the senate be now convened to assemble in the morning at the hall, for the purpose of witnessing the installation of John H. Taylor, the governor elect: *Ordered*, that the clerk appoint the session accordingly.

The senate having repaired to the hall of the house of representatives taken their seats: the ceremony of John Taylor, appeared and delivered an appropriate address to the members of the general assembly, after which the oaths prescribed by the constitution were, seriatim, administered him in due form by the speaker of the house, and then the senate withdrew.

The house adjourned until tomorrow morning at 10 o'clock.

Friday, November 24, 1854.—A message was received from the senate by Mr Chandler, one of their messengers: Mr Speaker—The senate have passed a bill, to make provision for the people of the county of Jefferson, entitled an act, to provide for the payment of taxes on property in the county of Jefferson. They have also passed a bill, to amend the following laws, in which they ask the concurrence of the house: and I beg to report, to wit: a bill to be entitled an act, to amend an act, to provide for the execution of process issued by justices of the peace. A memorial to the Congress of the United States, asking for the purchase of land in the State of Alabama, and for the purchase of land in the State of Georgia, and for the purchase of land in the State of Florida.

Henry W. H. from the select committee from the county of Morgan, appeared in the hall of the house of representatives, was qualified and took his seat.

Mr Rether, who voted in the majority on yesterday, on concurring with the amendments: moved by the senate to the resolution proposing to go into the question of a judge of the county court of Autauga county, moved to re-consider the vote. Which was carried: the further consideration of the resolution was postponed for one day.

Mr Salter presented the petition of sundry inhabitants of Covington county, on the subject of a toll bridge, erected by Thomas McDaniel over the Conecuh river in said county, which was read and referred to the committee on roads, bridges and ferries.

Mr Barron presented the memorial of Alexander George, of Perry county, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on emancipation.

Mr M. D. Williams presented the account of Charles Beal, jailer of Tuscaloosa county, which was read and referred to the committee on accounts.

Mr Farrar presented the petition of sundry inhabitants of St. Clair county, praying that said county may be divided; which was read and referred to the committee on county boundaries.

Mr Brown of J. offered the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will assemble in the representative hall this day at 3 o'clock, p. m. for the purpose of electing solicitors of the seventh and eighth judicial circuits of this State; mr Gardner moved to strike out so much of said resolution as relates to the seventh circuit; which was lost; mr Hudson moved, that the resolution lie on the table, which was lost. It was then adopted: *Ordered*, that the clerk acquaint the senate therewith.

Mr Brckell made the following report: The committee on enrolled bills have examined and find correctly enrolled, a joint memorial in relation to the public lands.

Mr Fortson, from the select committee, to which was referred the bill from the senate, entitled an act, to provide for the further organization of the county of Sumpter, reported sundry amendments, which were concurred in: the bill was ordered to a third reading.

Mr Beene offered the following resolution: *Resolved*. That the senate be invited to assemble in the representative hall, this evening at 3 o'clock, for the purpose of electing a judge of the second judicial circuit; mr Morant moved, that the resolution lie on the table, which was carried.

On motion of mr Jackson, it was *Resolved*, with the concurrence of the senate, that the two houses will assemble in the representative hall, on this day at 3 o'clock, for the purpose of electing a judge of the county court of Lauderdale county, and also a judge of the county court of Baldwin county: *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Horton, it was *Resolved*, That a committee be appointed to wait on his excellency the governor, and request of him a copy of his inaugural address, and that it be spread on the journals of this house, and five hundred copies ordered to be printed: whereupon, messrs Horton, Alt and Bonham were appointed said committee.

Mr Lawson introduced a bill to be entitled an act, to amend an act, approved the 24th day of December, 1824, to establish a certain road therein named; which was read and ordered to a second reading.

On motion of mr Johnson, It was *resolved*, That the committee on the State Bank be instructed to inquire into the expediency of passing a law, prohibiting the bank bills of any other State, under the denomination of one dollar, from circulating in the State of Alabama, and report by bill or otherwise.

Mr Carmack, from the special committee, to which was referred the petition of sundry citizens of Lauderdale county, reported a bill to be entitled an act, to authorize the commissioners court of Lauderdale county, to levy an additional amount of county taxes, for the purposes therein named: which was read and ordered to a second reading.

Mr Walker introduced a bill, to be entitled an act, to repeal in part and amend the laws, now in force in this State, relating to the appointment of hands to work on public roads; which was read and ordered to a second reading.

Mr Gardner introduced a bill to be entitled an act, to provide for the payment of jurors of the county of Pickens; which was read and ordered to second reading.

Mr M. D. Williams introduced a bill to be entitled an act, to form a company beat of militia of a less number of privates than forty men in the county of Tuskaloosa; which was read and ordered to a second reading.

Mr Speaker laid before the house, the record and proceedings of the circuit court of Montgomery county, exercising jurisdiction in chambers in the case of Victor F. Wagon against Elizabeth Wagon for divorce, which was read and referred to the committee on divorce and alimony, to consider and report thereon.

On motion of Mr Ormond: *It was resolved*, That the committee on inland navigation, be instructed to inquire into the propriety of appropriating a part of the three per cent fund in making a McAdamsized road from some point on the Tennessee river, to Greensboro or to some other eligible place on the southern part of the State.

Mr Chamberlain offered the following preamble and and resolution: *Whereas*, a resolution has been adopted by the legislature of the State of Tennessee, instructing the committee on internal improvement, to inquire into the expediency and practicability of opening a communication by road, between the waters of the Coosa and Tennessee, through Will's tow valley; also, the propriety of appropriating \$1200 for the survey, on condition that the State of Alabama shall appropriate a like sum: *Resolved*, that the committee on inland navigation inquire into the said subject and report thereon, which was adopted.

On motion of Mr Chamberlain: *It was resolved*, That the judiciary committee be instructed to inquire into the expediency of requiring justices of the peace to give bond and security; with leave to report by bill or otherwise.

On motion of Mr Brickell: *It was resolved*, That the committee on the State Bank be instructed to report a bill to this house, should said committee deem it necessary, defining more clearly the duty of commissioners of 16th sections, in relation to the taking of bonds where said sections are sold; and in relation to the bank or branch in which said bonds shall be deposited for collection.

On motion of Mr Rains: *It was resolved*, That the judiciary committee be instructed to inquire into the expediency of enacting a law, so to enable a justice of the peace in those beats where there may be no captain to appoint patrols subject to the same rules and regulations as now prescribed by law.

Mr Musgrove introduced a bill to be entitled an act, to authorize Mace P. Brindley, to turnpike certain roads therein named; which was read and ordered to a second reading.

A message was received from the governor by James L. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Tuskaloosa, 29th Nov. 1833.

I have to inform the general assembly, that the office of judge of county court of Coosa county is now vacant, by the refusal of Charles Bulger, Esq. who was elected at the last session, to perform any of his duties.

Signed,

JOHN GAYLE

Ordered, That said message lie on the table.

The house took into consideration the amendments made by the senate, to the resolution proposing to go into the election of a judge of the county court for Autauga county.

Mr Creagh moved to amend the amendment of the senate, by striking out all that part of said resolution which relates to the election of a judge of the county court of Clarke county, which was lost; the amendments were then concurred in. *Ordered*, that the clerk acquaint the senate therewith.

Mr Rather, who voted in the majority on yesterday, on concurring with the report of the judiciary committee, on the bill entitled an act, to secure the payment of costs and to prevent malicious law suits, moved to re-consider that vote, which was carried; mr Jackson moved that the report lie on the table, which was carried.

On motion of mr Creagh: *It was resolved*, That the committee on the State Bank, be instructed to inquire into the expediency of setting a part a certain portion of the funds of the branch bank at Mobi'e, to be loaned to the farming interest, with such restrictions as they may think necessary; with leave to report by bill or otherwise.

Mr Speaker laid before the house, the annual report of the treasurer, which was read: *Ordered*, that said report lie on the table, and that one hundred copies be printed.

Mr Speaker laid before the house a communication from the secretary of state, which is as follows:

SECRETARY OF STATE'S OFFICE, Tuscaloosa, Nov. 26th, 1833.

Honorable Samuel W. Oliver, Speaker of the House of Representatives:

SIR: In pursuance of the 6th section of the act to provide for taking the census in the year 1833, approved January 11th, 1833, making it the duty of the secretary of state, to lay before the speaker of the house of representatives at the annual session, one copy of the enumeration from each county. I have the honor herewith to transmit the accompanying packet, containing the returns so far as received. I have the honor to be,

Signed,

JAMES I. THORNTON.

Ordered, that the said communication with the accompanying documents lie on the table.

Ordered, That messrs Creagh, Rhodes and Walker be added to the committee on the State Bank. *Ordered*, that mr Hill of S. be added to the committee on propositions and grievances. *Ordered*, that mr Keener be added to the committee on privileges and elections. *Ordered*, that messrs Oliver and Morrisett be added to the committee appointed on that part of the governor's message, in relation to the settlers on the Creek lands.

On motion of mr Morrisett: *It was resolved*, That the judiciary committee be instructed to inquire into the expediency of allowing fees to jailers for keeping white persons, confined in the several jails of this State.

On motion of mr Stewart: *It was resolved*, That the committee on education be instructed to inquire into the expediency of passing a law, giving to the citizens of each township in this State, all the nett proceeds arising from the banking operations on the sixteenth section fund, with leave to report by bill or otherwise.

Mr Hudson introduced a bill to be entitled an act, to regulate the fees of the several bank attorneys for this State, which was read and ordered to a second reading.

Mr Stewart introduced a bill to be entitled an act, to incorporate the town of Oakville, in the county of Lawrence, which was read and ordered to a second reading.

Mr Barron introduced a bill to be entitled an act, further to provide for the regulation of constables and constables bonds, which was read and ordered to a second reading.

Mr Gardner introduced a bill to be entitled an act, to lay off a beat in that part of the Choctaw country west of the Tombeckbee river, and lying in the limits of Pickens county, which was read and ordered to a second reading.

On motion of mr Hall of B: *It was resolved*, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of granting to Ward Taylor and associates, a charter to turnpike the mail stage road from Blakeley to Montgomery.

The house took into consideration the bill from the senate, entitled an act, to provide for the further organization of the county of Sumpter, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Keener: *It was resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing two election precincts in the county of Barbour; one at the house of Thomas Warrens, and one at the house of Seaborne Lewis, and establishing two others; one in the town of Clayton, and one at the place of L. F. Keener, in township 13, range 25.

And then the house adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—On motion of mr Hudson: *It was resolved*, That the senate be now invited to assemble in the representative hall, for the purpose of going into the election of the judges of the county courts, for the counties of Autauga, Franklin, Coosa and Clarke. *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Fleming: *It was resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating a part of the three per cent. fund, to the improvement of Flint river and Point rock river, in Madison county, with leave to report by bill or otherwise.

A message was received from the senate by mr Conner, their secretary: Mr Speaker—The senate concur in the resolution from the house of representatives, proposing to go into the election of solicitors, for the 7th and 8th judicial circuits; and have amended the same by striking out the words "seventh judicial circuit," and further, by striking out "this day at the hour of 3 o'clock," and inserting to-morrow at 2 o'clock. They concur, also, in the resolution to elect judges of the county courts of Autauga, Franklin, Coosa and Clarke. They concur in the resolution to go into the election of judges of the county courts of Lauderdale and Baldwin counties, and have amended the same by striking out the word "Baldwin," in which they ask the concurrence of the house of representatives.

Ordered, that the house concur in the amendments made by the senate, by striking out a solicitor of the 7th judicial circuit, and by striking out this day at the hour of three o'clock.

Mr Hall of B moved that the house disagree to the amendment made by the senate to the resolution, by striking therefrom the words "Baldwin county," which was carried. *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Hudson: *It was resolved*, That the committee on the State Bank, be instructed to inquire into the expediency of electing the cashier, teller and the bank attorney of the banks of this State, by a joint vote of the general assembly, with leave to report by bill or otherwise.

A message was received from the senate by mr Conner, their secretary:

Mr Speaker—The senate recede from their amendment to the resolution of the house, by striking out the word "Baldwin."

On motion of mr Oliver; *It was resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of expending the three per cent. fund, or a portion of it upon such works or improvements of roads and navigation, as private subscriptions or stock companies may from time to time propose to the legislature of this State, and report by bill or otherwise.

On motion of mr Rather: *It was resolved*, That the senate be now informed that the house of representatives is now ready to receive them, for the purpose of going into the elections of judges of the county court of the counties of Lauderdale and Baldwin. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives and taken their seats, both houses then proceeded to the election of a judge for the county court of Autauga county. Henly Brown and William N. Thompson being in nomination.

Those who voted for mr Brown are, messrs President, Ash, Barclay, Brown, Guild, Hill, Hogan, Lyon, McVay, Morton, Pickett, Vining and Wilkinson of the senate; messrs Armbruster, Beene, Brown of J. Carithers, Chamberlain, Creagh, Davis, Ellis, Evans, Farrar, Fortson, Gayle, Harkins, Hall of A. Hall of B. Hallett, Hill of H. and D. Hill of S. Hopkins, Houston, Hudson, Jackson, Jones of M. Jones of T. Massey, McDavid, McRae, Nabors, Norwood, Ormond, Rains, Sumners, Taylor, Walker, Webster, M. D. Williams and T. Williams.

Those who voted for mr Thompson are, messrs Abercrombie, Anderson, Chapman, Coopwood, Hemphill, Irwin, Lane, Phillips, and Walthall of the senate; messrs Speaker, Barron, Bonham, Bowin, Brickell, Brown of M. Carmack, Dubose, Fleming, Gardner, Harris, Hollis, Horton, Johnson, Keener, Lawson, Lee, Miree, Musgrove, Oliver, Pegues, Price, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart and Ware.

Henly Brown having received a majority of votes, mr Speaker there declared him duly elected judge of the county court of Autauga county.

The two houses then proceeded to the election of a judge of the county court for Franklin county. Gregory D. Stone being in nomination.

Those who voted for mr Stone are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson.—Also messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lea Massey McDavid McRae Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Stone having received all the votes given, was declared by mr Speaker duly elected judge of the county court for Franklin county.

The two houses then proceeded to the election of a judge of the county court for the county of Coosa; Robert W. Martin being in nomination.

Those who voted for mr Martin are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson, of the Senate.—messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lea Massey McDavid McRae Miree Morrisett, Musgrove Nabors Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Robert W. Martin having received a majority of votes, mr Speaker declared him duly elected judge of the county court for Coosa county.

The two houses then proceeded to the election of a judge of the county court for the county of Clarke; Joseph B. Portress and William R. Hamilton being in nomination.

Those who voted for mr Portiss are, messrs President Anderson Ashe Barclay Guild Hogan Lane Lyon Phillips Pickett Walthall and Wilkinson.—Reps. messrs Speaker Brickell Carmack Chamberlain Creagh Davis Ellis Fleming Harkins Hall of A. Hall of B. Hallett Harris Hopkins Houston Hudson Jackson McDavid McRae Morrisett Ormond Rains Rather Rhodes Sanders of D. Sanders of L. Stewart and Webster.

Those who voted for mr Hamilton are, messrs Abercrombie Barron Chapman Coopwood Hemphill Hill Irwin McVay Morton and Vining.—Reps. messrs Armbruster Beene Bonham Barron Bowin Brown of J. Brown of M. Carithers Dubose Evans Farrar Fortson Gardner Gayle Hill of H. and D. Hill of S. Hollis Horton Johnson Jones of M. Jones of T. Keener Lowson Lea Massey Miree Musgrove Nabors Norwood Oliver Pegues Price Salter Scott Simmons Sumners Taylor Walker Ware M. D. Williams and T. Williams.

Mr Hamilton having received a majority of the votes given, was declared by mr Speaker duly elected judge of the county court of Clarke county.

The two houses then proceeded to the election of a judge of the county court for the county of Lauderdale; Sidney S. Posey alone being in nomination.

Those who voted for mr Posey are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Coopwood Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.—Reps. messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey McDavid McRae Miree Morrisett Musgrove Nabors Oliver Ormond Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Posey having received all the votes given, was declared by mr Speaker duly elected judge of the county court of the county of Lauderdale.

The two houses then proceeded to the election of a judge of the county court of Baldwin county; mr Patrick Byrne being in nomination.

Those who voted for mr Byrne are, messrs President Anderson Ashe Barclay Brown Chapman Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.—Reps. messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Chamberlain Creagh Davis Dubose Farrar Fleming Fortson Gardner Gayle Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Massey McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Price Rains Rather Rhodes Salter Sanders of D. Sandeas of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Byrne having received all the votes given was declared by mr Speaker duly elected judge of the county court of Baldwin county.

The senate then withdrew, and the house adjourned until to-morrow at 10 o'clock, A. M.

Saturday, November 30, 1833.—Mr. M. D. Williams presented the petition of Nathan Shannon, praying that an act may pass to authorize him to establish a ferry across the Tombeckbee river, at Robinson's landing, which was read and referred to the committee on roads, bridges and ferries to consider and report thereon.

Mr M. D. Williams presented the petition of sundry citizens of Fayette county, praying to be attached to Walker county; which was read and referred to the committee on county boundaries.

Mr Ellis presented the account of James Rather, also the account of Kelly and Donoho; they were severally read and referred to the committee on accounts.

A message from the senate by mr Conner, their secretary: Mr Speaker: The senate have passed a bill entitled an act, to incorporate the town of Moulton in the county of Lawrence; which originated in the house of representatives. They have also passed a bill entitled an act, for the relief of Benjamin Marshall; in which they ask the concurrence of the house of representatives.

Mr Rains presented the petition of sundry inhabitants of Maringo county, praying the passage of a law, incorporating a company to construct a rail road from Demopolis to pass through Prairieville to Woodville in Perry county; which was read and referred to the judiciary committee.

Mr Speaker laid before the house the annual report of the comptroller, which was read: *Ordered*, that said report lie on the table and that three hundred copies thereof be printed.

Mr Hollis presented the account of James A. Yowell, which was read and referred to the committee on accounts.

Mr Bowin presented the account of Samuel J. Wright, sheriff of Butler county; which was read and referred to the committee on accounts.

Mr Taylor presented the account of the sheriff of Fayette county, which was read and referred to the committee on accounts.

Mr Hudson, from the committee on lands appropriated for internal improvement, to which was referred a resolution, instructing them to inquire into the expediency of passing a law, dividing the fifth and last payment due on lands sold at Courtland, reported a bill to be entitled an act, supplementary to an act, entitled an act, regulating the time of making payments upon lands sold at the land office at Courtland; which was read and ordered to a second reading.

Mr Hall of B. from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Shelby county, reported that it is inexpedient to grant the prayer of the petitioners; mr Nabors moved that the report lie on the table, which was lost; it was then concurred in.

Mr Hudson, from the committee on lands appropriated for internal improvement, to which was referred a resolution, instructing them to inquire into the expediency of passing a law, authorizing the entry of certain lands therein named, reported a bill to be entitled an act, authorizing the entry of certain land at the land office at Courtland; which was read and ordered to a second reading.

Mr Lee introduced a bill to be entitled an act, to allow a change of *venue* in certain cases; which was read and ordered to a second reading.

Mr Sanders of D. introduced a bill to be entitled an act, to revive and continue in force an act, to incorporate the town of Selma in the county of Dallas, passed December the 4th 1820; which was read and ordered to a second read.

On motion of mr Ware: *It was resolved*, That a committee be appointed to wait on the State printer, and know the reasons why the several documents, ordered to be printed by this house, have not been so done, and report to this house: whereupon, messrs Ware, Oliver and Lee were appointed said committee.

Mr Hill of H. and D. introduced a bill to be entitled an act, to authorize the commanding officers of the 25th regiment of Alabama militia, to form a company beat with a less number of privates than forty in the county of Henry; which was read and ordered to a second reading.

A message was received from the governor by James I. Thornton, which is as follows: Mr Speaker—I am requested by the governor, to inform your honorable body, that he did, on the 22d instant, approve and sign an act, to change the times of holding the county courts of the county of Franklin: and on the 28th instant, an act to provide further for taking the census of Coosa county; both of which originated in the house of representatives.

On motion of mr Gayle: *It was resolved.* That the judiciary committee be instructed to inquire into the expediency of making further provisions by law, for the payment of *tales jurors*, and of witnesses in criminal cases, subpoenaed on the part of the State, whenever the State is the unsuccessful party, with leave to report by bill or otherwise.

On motion of mr Davis: *It was resolved.* That with the concurrence of the senate, the two houses will convene in the representative hall, this day, at the hour of 3 o'clock, P. M. for the purpose of electing a judge of the county court of Bibb county. *Ordered,* that the clerk acquaint the senate therewith.

On motion of mr Lawson: *It was resolved.* That his excellency the governor, be requested to transmit to this house, copies of all letters in his possession from Jeremiah Austill, deputy marshal of the southern district of Alabama, to the secretary at war, in relation to the settlers in the Creek territory, and any other information he may have on that subject, proper to be communicated to this house.

Mr Brown of J. introduced a bill to be entitled an act, to authorize the people of beat No. 6, in Jefferson county, to elect an additional justice of the peace; which was read the first time, and the rule being dispensed with, it was read the second time forthwith, and ordered to be engrossed for a third reading.

Mr. Ellis introduced a bill, to be entitled an act, making appropriation for printing, binding and delivering the digest of the laws of Alabama, which was read the first time: mr Ellis moved, that the constitutional provision requiring bills to be read on three several days be dispensed with, and that the bill be read a second time forthwith which was lost: there not being a constitutional majority voting in favor of the suspension; yeas 40, nays 2.

The yeas and nays being demanded.

Those who voted in the affirmative, are messrs Ambrester, Barron, Benham, Rowin, Brown of J. Brown of M. Carithers, Chamberlain, Davis, Ellis, Evans, Fleming, Gayle, Hall of A. Hill of H. and D. Hill of S. Houston, Jones of T. Kerner, Lawson, Massey, McDavid, Miree, Morriett, Mesgrove, Nabors, Oliver, Ormond, Pegues, Price, Rather, Sanders of D. Scott, Simmons, Stewart, Sammons, Taylor, Ware, M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Speaker, Beene, Catmack, Creagh, Dabose, Fертson, Gardner, Hall of B. Hallett, Harris, Hopkins, Horton, Hudson, Jackson, Jones of M. Lee, McKee, Porter, Rames, Rhodes, Selter, Sanders of L. Walker and Webster.

Mr. Jackson moved that the bill be made the special order of the day for Monday next, which was carried.

A message was received from the senate by mr Conner, their secretary: Mr. Speaker, the senate concur in the amendments made by the house, to the bill to provide further for the organization of the county of Sumpter. They concur in the resolution of the house proposing to go into the election of a judge of the county court of Bibb county, and have amended the same by adding the county of "Lawrence" after the word Bibb, in which they ask the concurrence of the house of representatives; *Ordered,* that the house concur in said amendment: *Ordered,* that the clerk acquaint the senate therewith.

On motion of mr Jackson, it was *Resolved*, That the judiciary committee be instructed to inquire into the propriety and necessity of providing a standard of weights and measures, for each county in this State, or for each judicial circuit in this State, with leave to report by bill or otherwise.

On motion of mr Scott, it was *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of making an appropriation from the three per cent fund, for the purpose of making a road across the swamp at big swamp creek, on the road from Haneyville in Lowndes county, to Greenville in Butler county.

Mr. Jones of M. introduced a bill to be entitled an act to repeal an act, passed on the 12th day of January, 1833, entitled an act, to compensate patrols for their services, in Madison county, which was read and ordered to a second reading.

Bills and a memorial from the senate of the following titles, to wit: memorial to the Congress of the United States, asking pre-emption rights in favor of actual settlers upon public lands: an act to authorize town constables to execute process issued by justices of the peace: and an act for the relief of Benjamin Marshall; were severally read a first time and ordered to a second reading.

The house then proceeded to the consideration of the orders of the day.

Bills of the following titles, to wit: an act to provide for compensation to persons whose timber or other materials have been employed for the use of the public roads, and for the trial of defaulting overseers: an act to incorporate the Demopolis rail road company, and an act further to provide for the regulation of constables and constables bonds, were severally read the second time and referred to the judiciary committee.

Bills of the following titles, to wit: an act to secure to the University of the State of Alabama the nett proceeds arising from the funds of the University, which are vested in the bank of the State of Alabama; and an act relinquishing land to the Tuscumbia, Courtland and Decatur rail road company; were severally read the second time and referred to the committee on education.

The bill, entitled an act, to organize the county of Coosa, was read the second time and referred to the committee on propositions and grievances.

Bills of the following titles, to wit: an act to compensate the commissioners of roads and revenue in the county therein named: an act to repeal an act entitled an act, allowing the tax collector of Covington county, twenty-five per centum on the amount of the county taxes of said county, passed on the 29th of December, 1832; and an act to provide further payment of jurors of the county of Pickens, were severally read a second time, and ordered to be engrossed for a third reading.

The bill entitled an act, to exempt fifty head of cattle from taxation and for other purposes, was read the second time and referred to the committee on ways and means.

The bill, entitled an act, to permit the examination of parties to suits at common law, was read the second time—mr. Ellis moved that the further consideration of the bill be postponed until mouday next, which was carried.

The bill, entitled an act, to provide for the improvement of a part of Coosa river, was read the second time and referred to the committee on inland navigation.

The bill, entitled an act, authorizing the appointment of an overseer of roads for the town of Russellville, and for other purposes, was read the se

cond time and referred to a select committee; whereupon messrs. Hudson, McRae and Carmack were appointed said committee.

Engrossed bills of the following titles; to wit: an act concerning escheats; an act, further to provide for taking the probate of deeds and relinquishment of dower in this State; were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill, entitled an act, permanently to locate the seat of justice in Dallas county, was read the third time; mr Gayle moved that the bill lie on the table, which was lost, it was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill, entitled an act, to amend an act, approved the 24th day of December 1824, to establish a certain road therein named, was read the second time, and referred to a select committee; whereupon messrs Lawson, Harris and Hudson were appointed said committee.

The bill, entitled an act, to authorize the commissioners court of Lauderdale county to levy an additional amount of county taxes for the purposes therein named, was read the second time; mr Carmack moved to amend the first section by inserting after the word "creeks" the words "to pay the county debts," which was adopted; it was *ordered* to be engrossed for a third reading.

The bill, entitled an act, to repeal in part and amend the laws now in force in the State, relating to the apportionment of hands to work on public roads, was read the second time; and referred to the committee on roads, bridges and ferries.

The bill, entitled an act, to form a company beat of militia a less number of privates than forty men in the county of Tuscaloosa, was read the second time, and referred to the military committee to consider and report thereon.

The bill, entitled an act, to authorize M. T. P. Brindley to turnpike certain roads therein named, was read the second time, and referred to the representatives from Blount and Morgan counties.

The bill, entitled an act to regulate the fees of the several bank attornies for this State, was read the second time, and referred to the judiciary committee, with instructions so to amend the bill as to cure the evil complained of.

The bill, entitled an act, to incorporate the town of Oakville in the county of Lawrence, was read the second time; mr Stewart moved to amend it, by striking out the word "February" to insert the word "May" which was adopted; it was *ordered* to be engrossed for a third reading:

The bill, entitled an act, to lay off a beat in that part of the Choctaw country, west of the Tombeckbee river and lying in the limits of Pickens county, was read the second time and referred to the military committee.

On motion of mr Hill of S. it was resolved, that the committee on the military be instructed to inquire into the expediency of organizing the militia in all the new counties in this State, with instructions to report by bill or otherwise:

Mr Bonhâm made the following report: The committee, appointed to wait on his excellency and ask for a copy of his inaugural address, have performed the duty assigned them and beg leave to present the document desired. *Ordered*, that the report lie on the table.

The following is a copy of the address:

Gentlemen of the Senate and of the House of Representatives:

Called a second time, by the suffrages of a free people, to exercise the functions of their chief magistrate, I cannot permit an occasion so appropriate to pass, without acknowledging the deep sense of obligation with which I am impressed, by this renewed evidence of their confidence and partiality.

I again enter upon the duties of this station, with a diffidence in no degree diminished by past experience, and I bespeak a continuance of the liberal indulgence and generous support, by which I have been heretofore sustained.

The dangers to which our complex, but wise and happy form of government is exposed, are consolidation on one hand and disunion on the other. They are equally to be deprecated, because they are alike subversive of national independence, and of civil liberty. Into whichever of these extremes our system may be carried by mad ambition or reckless licentiousness, it will inevitably be lost in hopeless despotism.

Solemnly and deeply penetrated with this conviction, our republican ancestors—the fathers of the constitution, have recorded their impressive warnings against the dangers of factious opposition to laws, and of claiming by construction, powers not granted in the compact which formed the union of the States. We should receive them as the admonitions of wisdom, of experience and truth.

The great objects in forming the Union, were protection against foreign aggression and the regulation of our intercourse with foreign nations. With few exceptions, all the other rights of independent government were reserved to the States.

The constitution has secured, with the utmost caution, to the States, the right to manage their internal concerns, and the preservation of this right has ever been deemed, as it undoubtedly is, indispensable to the liberty and security of the people. "I recollect," says Mr. Jefferson, "no case where a question simply between the citizens of the same State, has been transferred to the foreign department, except that of inhibiting tenders but of metallic money, and expose facto legislation."

The power to regulate the conduct of our citizens, in their intercourse with each other; to make laws for the government of their persons, and for the protection and security of their lives, liberty, property and reputation, have never been conceded to the general government, but were reserved to the States or to the people.

These constitute the essential features of State sovereignty and independence, so jealously guarded when the constitution was framed, and any attempt to interfere with them, beyond a few specified exceptions, should be regarded as an encroachment of dangerous tendency, and subversive of the ends and purposes of our free institutions. Take these powers from the States, and the right of trial by jury, that inestimable heritage of freedom, that invincible safeguard of human liberty, would soon become an inconvenient and useless institution.

In the recent controversy with the Executive of the United States, I felt myself constrained to defend the rights and to maintain the principles to which I have adverted, by the high and solemn obligations of official duty; and the reflection, that, as yet, these objects have been accomplished, against appearances so imposing, by the peaceful agency of our laws and our courts, cannot fail to inspire confidence in the permanency of the government, and to dispel the apprehensions of those who have supposed that it would turn out a splendid, but unsuccessful experiment.

The order of the Secretary of War, found thirty thousand of our people upon the lands ceded by the Creek Indians, who had been induced to remain, after December last, and to move into the country, by the thrice written promise of that officer, that they would not be disturbed until the Indian reservations were located. The time selected for their removal was in the dead of winter, and if the order had been carried into effect, there would have been exhibited a spectacle of human suffering and of unprovoked cruelty, that has never been exhibited in a country claiming to be free.

In order to execute this measure, power is claimed to suppress, by military force the government of the State in eight of its counties, to regulate, at the point of the bayonet, trespasses by our citizens on the possessions of each other, and in effect to establish military tribunals as substitutes for our courts. This unconstitutional invasion of State sovereignty is pretended to be authorized by an act of congress, of March, 1807, which was never intended to be enforced, and cannot be executed where the laws of a State are in operation, without interfering with its rightful jurisdiction.

To prevent the degradation to which this encroachment would have subjected Alabama, and to avert from our citizens the overwhelming calamity with which they were threatened, I claimed for them the humble, though consecrated privilege of having their rights investigated by the proper judicial tribunals,

If there is a feature in our government, which claims for this country the proud designation of "the land of liberty," it is that which prevents the citizen from being deprived of his life, liberty or property "without due process of law." All must perceive that this gives our system its republican character, and that without it, it would become an unmitigated despotism. Overlooking all personal and party considerations, my efforts have been directed to the preservation of this vital principle of liberty—and to the maintenance of the honor, dignity and just rights of the State. These constitute the sacred trust which I will never voluntarily surrender, and I hereby pledge myself, before the representatives of the people, to restore it unimpaired to the power which conferred it, as far as sleepless vigilance, untiring zeal and very humble abilities will permit me.

And then the house adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—Mr Rather introduced a bill to be entitled an act, to continue in force an act, entitled an act, to establish a public road from the house of John Gundie, in Morgan county, to Baltimore or Morgan's springs, in Blount county, passed December 23, 1822, was read the first time and ordered to a second reading.

On motion of Mr Hallett: *It was resolved*, That the committee on the State Bank, be instructed to inquire into the expediency of so amending the charter of the bank of mobile and the branch of the bank of the State of Alabama at mobile, so as to authorize the said banks to discount notes made negotiable and payable at any bank in mobile.

On motion of Mr Hill of H. and D: *It was resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing election precincts at the following named places, viz: at the house of Giles Carter, in the county of Henry; at the house of Henry Black, and at the house of Levy Dowland, in the county of Dale.

On motion of Mr Carmack: *It was resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating a part of the three per cent fund, for the purpose of erecting a bridge over Shoal creek, in the county of Lauderdale, on the military and stage road, leading from Florence to Nashville, Tennessee.

On motion of Mr McDavid: *It was resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating the sum of dollars out of the three per cent fund, to the improvement of the navigation of Paint Rock river, with leave to report by bill or otherwise.

Mr Johnson presented the petition of the merchants and others of the town of Florence, praying that a branch of the bank of the State be located at said town, which was read and referred to the committee on the State Bank.

On motion of Mr Keener: *It was resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating a portion of the three per cent fund, for the purpose of opening a road from Monticello in Pike county, by way of Clayton in Barbour county, to the west end of the bridge across Chattahoochee, opposite Columbus in Russell county, with leave to report by bill or otherwise.

On motion of Mr Musgrove: *It was resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating dollars of the three per cent fund, for the improvement of the Black Warrior river above the town of Tuscaloosa, to where Stout's turnpike road crosses the same, at the place commonly called Baltimore, with leave to report by bill or otherwise.

On motion of Mr Lee: *It was resolved*, That the senate be informed that the house of representatives is now ready to receive them in the representative hall, for the purpose of going into the election of a solicitor

of the 8th judicial circuit, and judges of the county courts of Bibb and Lawrence counties. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives and taken there seats, the two houses then proceeded to the election of a solicitor of the 8th judicial circuit. William D. Pickett alone being in nomination,

Those who voted for mr Pickett are, are messrs President, Abererombie, Anderson, Ashe, Barclay, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Pickett, Vining, Walthal and Wilkinson.—Reps. mr Speaker, Ambrester, Barron, Beene, Bonham, Bowen, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Creagh, Davis, Dubose, Evans, Farrar, Fortson, Fleming, Gardner, Gayle, Hall of A. Hallet, Harris, Hill, of H. & D. Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones, of M. Jones, of T. Keener, Lawson, Lee, Massey, McDavid, McRae, Miree, Morrisette, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams, T. Williams.

Mr Pickett having received all the votes given, was declared by mr Speaker, duly elected solicitor of the 8th judicial circuit of the State of Alabama, for the ensuing four years.

The two houses then proceeded to the election of a judge of the county court of Bibb county. Thomas Crawford alone being in nomination.

Those who voted for mr Crawford are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the Senate.—messrs Speaker Ambrester Barron Beene Bonham Bowen Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lea Massey McDavid McRae Miree Morrisett, Musgrove Nabors Norwood Oliver Ormond Price Rains Ratler Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Thomas Crawford having received all the votes given, was declared by mr Speaker duly elected judge of the county court for Bibb county.

The two houses then proceeded to the election of a judge of the county court of Lawrence county. James B. Wallace being in nomination,

Those who voted for mr Wallace, are, messrs President, Abercrombie, Anderson, Ashe, Barclay, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Pickett, Vining, Walthall, and Wilkinson.—Re: s. Messrs Speaker, Ambrester, Barron, Beene, Bonham, Bowen, Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh, Davis, Dubose, Evans, Farrar, Fleming, Fortson, Gardner, Gayle, Hall of A. Hallett, Harris, Hill of H. and D. Hill, of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones, of T. Keener, Lawson, Massey, McDavid, McRae, Miree, Morrisette, Musgrove, Nabors, Norwood, Oliver, Ormond, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

James B. Wallace having all the votes given, was declared by mr Speaker duly elected judge of the county court for Lawrence county.

The senate then withdrew and the house adjourned until monday morning 10 o'clock.

Monday, December 2, 1833.—Mr Rather presented the report of the quarter master general, which was read and referred to the military committee.

Ordered, That mr Price be added to the committee on privileges and elections.

Ordered, That mr Sumners be added to the committee on inland navigation.

Mr Price presented the petition of sundry inhabitants of Greene and

Sumpter counties, praying that John Mangon may have established a ferry across the Tombeckbee river at Jones' Bluff, in the county of Sumpter, which was read and referred to a select committee: whereupon, messrs Price, Fortson and Horton were appointed said committee.

Mr Fleming presented the account of the sheriff of Madison county, which was read and referred to the committee on accounts.

Mr Norwood presented sundry accounts; they were severally read and referred to the committee on accounts.

Mr Hall of B. from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Montgomery and Autauga counties, reported a bill to be entitled an act, to incorporate a company to build a toll bridge across the Coosa river at Wetumpka, which was read and ordered to a second reading.

Mr Hudson, from the select committee to which was referred the bill entitled an act, authorizing the appointment of an overseer of the roads of the town of Russellville and for other purposes, reported the following amendment: strike out the words "court of" in the 4th line of the first section, and insert in lieu thereof, the words "judge of the county court and," which was adopted; the bill was ordered to be engrossed for a third reading.

Mr Lawson, from the select committee to which was referred the bill entitled an act, to amend an act approved the 24th of December, 1824, to establish a certain road therein named, reported the same without amendment; the bill was ordered to be engrossed for a third reading.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, viz: an act to provide for the payment of grand and petit jurors in the county of Jefferson; and also an act to incorporate the town of Moulton, in the county of Lawrence.

Mr Hudson, who voted in the majority on Saturday last, on the passage of the bill entitled an act to locate permanently, the seat of justice in Dallas county, and erect public buildings; moved to re-consider the vote, which was lost.

A message from the senate by Mr Childress: Mr Speaker—The senate have adopted the following resolution, in which the concurrence of the house is asked: *Resolved*, that with the concurrence of the house of representatives, the two houses will assemble this day at the hour of 3 o'clock in the representative hall, for the purpose of electing a solicitor of the 7th judicial circuit; Mr Jackson moved to amend the resolution by striking out "3 o'clock," with the view to insert "half past six this evening," which was lost. The resolution was then concurred in. *Ordered*, that the clerk acquaint the senate therewith.

A communication was received from the governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa, 2d December, 1833.

I transmit to the house of representatives in compliance with their resolution of the 30th of Nov. copies of all the letters in my possession written by J. Austill, deputy marshal of the southern district of Alabama, to the secretary, in relation to settlers in the Creek territory.

JOHN GAYLE

Ordered, that said communication with the accompanying documents lie on the table, and that 200 copies be printed for the use of this house.

Mr McRae, from the select committee to which was referred the bill entitled an act, regulating the duty of the register of the land office at Courtland, reported the same without amendment and recommended its passage; it was then referred to the judiciary committee to consider and report thereon.

Mr Lee introduced a bill to be entitled an act, to incorporate the manual labor institute in Perry county, which was read and ordered to a second reading.

On motion of Mr Evans, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of discontinuing an election precinct now established at the house of Jacob Lamb, in Pike county, and establish the same at the store house of Small and Pierce in said county.

Mr Armbruster offered the following resolution: *Resolved*, That the committee on propositions and grievances, be instructed to inquire into the expediency of so altering and amending the constitution, so as to have biennial instead of annual sessions of the legislature, and that they have leave to report by bill or otherwise.

And be it further resolved, That they be instructed to inquire into the expediency of further altering the constitution, so as to vote *viu voce*; Mr Rather moved to amend the resolution by striking out the last paragraph, which was carried; the resolution as amended was then adopted.

Mr Lee presented the preamble and resolutions of a meeting holden at the town of Marion, Perry county, praying the location of a branch of the State Bank in said town, which was read and referred to the committee on the State Bank.

Mr Miree presented the petition of William Walters of Perry county, praying the passage of a law to emancipate certain slaves therein named; which was read and referred to the committee on emancipation.

Mr Stewart introduced a bill to be entitled an act, further to provide for the sale of the 400,000 acres of land, granted to this State for internal improvement; which was read and ordered to a second reading.

Mr Stewart introduced a bill to be entitled an act, for the relief of the commissioners of sixteenth section, seventh township, range six west, which was read and ordered to a second reading.

The house then proceeded to the consideration of the orders of the day.

The bill entitled an act, making appropriation for printing, binding and delivering the digest of the laws of Alabama, was read the second time and referred to the committee on accounts, with instructions to report without delay.

Memorial from the senate to the congress of the United States, asking pre-emption rights in favor of actual settlers upon public lands, was read the second time and referred to the same committee, to which was referred a resolution of the house on that subject.

The bill from the senate entitled an act, to authorize town constables to execute process issued by a justice of the peace, was read the second time and ordered to a third reading.

The bill from the senate entitled an act, for the relief of Benjamin Marshall, was read the second time and referred to the judiciary committee.

Engrossed bills of the following titles, to wit: an act to provide for the payment of jurors of the county of Pickens; an act to compensate the commissioners of roads and revenue, in the county therein named; an act to authorize the people of beat No. 6, in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton; an act to incorporate the town of Oakville, in the county of Lawrence; an act to repeal an act, entitled an act allowing the tax collector of Covington county, twenty five per centum on the amount of the county taxes of said county, passed on the 29th of December, 1832; and an act to authorize the commissioner's court of Lauderdale county, to levy

an additional amount of county taxes for the purposes therein named: were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill, entitled an act, supplementary to an act, regulating the time of making payment upon lands sold at the land office at Courtland, was read the second time. Mr. Jackson moved, that the bill be referred to the committee on propositions and grievances, which was carried. Mr. Hudson moved, that the committee report without delay, which was agreed to.

The bill, entitled an act, authorizing the entry of certain lands at the land office at Courtland, was read the second time and referred to a select committee: whereupon, messrs. Jackson, Hudson, and Ormond were appointed said committee.

The bill entitled an act, to allow a change of venue in certain cases, was read the second time and referred to the judiciary committee.

Bills of the following titles; to wit: an act to revive and continue in force, an act to incorporate the town of Selma in the county of Dallas, passed December 4th, 1820: an act to authorize the commanding officers of the 25th regiment of Alabama militia, to form a company beat, with a less number of privates than forty in the county of Henry; and an act, to repeal an act, passed on the 12th day of January, 1833, entitled an act, to compensate patrols for their services in Madison county; were severally read the second time, and ordered to be engrossed for a third reading.

The bill, entitled an act, to continue in force an act, entitled an act to establish a public road from the house of John Gandie, in Morgan county, to Baltimore or Morgan's Springs in Blount county, passed December 23, 1832, was read the second time and referred to the delegation from Blount and Morgan counties.

Mr Carithers made the following report:—The committee on enrolled bills have examined and found correctly enrolled, a bill from the senate entitled an act, to provide for the further organization of the county of Sumpter.

The bill entitled an act, to permit the examination of parties to suits at common law was read the second time: Mr. Porter moved to amend the bill by way of the following proviso: "provided, that the jurisdiction granted by this act, shall be concurrent only with the jurisdiction now exercised by the courts of chancery in like cases," which was adopted.

Mr Chamberlain moved to amend the bill by striking out the word "sixty" where it occurs in the 1st section of the bill, with the view to insert the word "thirty," which was adopted: and the question being put—shall this bill be engrossed and read the third time; it was determined in the affirmative; yeas 48, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Ambrester, Barron, Bonham, Bowin, Brown of M. Carithers, Carmack, Chamberlain, Creagh, Dubose, Evans, Farrar, Fleming, Gardner, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hopkins, Houston, Hudson, Jackson, Johnson, Jones of M. Keener, M.acey, McDavid, McRae, Miree, Morriett, Musgrove, Oliver, Ormond, Pegues, Price, Rains, Rather, Salter, Sanders of D. Sanders of L. Simmons, Stewart, Taylor, Walker, Webster and T. Williams.

Those who voted in the negative are, Messrs, Beene, Brown of J. Davis, Ellis, Fortson, Gayle, Hill of S. Hollis, Horton, Jones of T. Lawson, Nabors, Norwood, Rhodes, Scott and Sumners.

And then the house adjourned until 3 o'clock this evening.

Evening session, 3 o'clock.—Mr. Keener introduced a bill to be entitled an act, to make valid the act of the commissioners appointed to locate

the seat of justice in the county of Barbour, was read the first time and ordered to a second reading.

On motion of Mr. Hill of S. it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of James Drennan in Talledega county, also to discontinue one now established at the house of Robert C. Wilson, and establish the same at the store house of William Morris, in Mardisville in said county; also one at the store house of Walker and Riddle's in said county; with leave to report by bill or otherwise.

On motion of Mr Oliver, it was *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall on tomorrow at 3 o'clock, for the purpose of electing a president and twelve directors for the branch of the bank of the State of Alabama, located at Montgomery: *Ordered*, That the clerk acquaint the senate therewith.

On motion of Mr Evans, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending that part of the constitution of the State of Alabama which renders the present location of the seat of government permanent, that it may be liable to removal whenever justice and the good of our common country may require it; with leave to report by joint resolution or otherwise.

On motion of Mr. Chamberlain, it was *Resolved*, That the judiciary committee be instructed to examine the laws of a general character contained in Aikins digest, and note such omissions as they may discover, and such alterations as may be deemed necessary; with leave to report by bill or otherwise.

On motion of mr. McRae, it was *Resolved*, That the committee on the State Bank, be instructed to inquire into the expediency of so amending the charter of the Bank of the State and its branches, so as to authorize them to issue post notes payable at New Orleans, Mobile, or any of the eastern cities, and report to this house the result of their deliberations.

Mr Ellis presented the account of William Y. Glover, sheriff of Tuscaloosa county, which was read and referred to the committee on accounts.

On motion of mr Hudson, it was *Resolved*, That the senate be now invited to assemble in the representative hall, for the purpose of going into the election of a solicitor for the seventh judicial circuit; *Ordered*, That the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representative and taken their seats, both houses then proceeded to the election of a solicitor of the seventh judicial circuit. Gideon Frierson, Benjamin N. Glover, and John D. Jenkins being in nomination.

Those who voted for mr Frierson are messrs Anderson, Barclay, Chapman, Wilkinson—Reps. messrs Brown of M. Fortson Gardner Horton Houston Jones of M. McDavid, McRea, Ormond, Rhodes, Stewart and Ware.

Those who voted for mr Glover are messrs President, Ashe, Brown, Coopwood, Guild, Hill, Hogan, Lane, Lyon, McVay, Morton, Pickett, Vining—Reps. messrs Ambrister, Beene, Brown of J. Carithers, Carmack, Chamberlain, Creagh, Davis, Ellis, Evans, Fleming, Gayle, Hall of A. Hallett, Harris, Hill of H. and D. Hill of S. Hollis, Hopkins, Hudson, Jackson, Johnson, Jones of T. Lawson, Massey, Musgrove, Nabors, Norwood, Price, Rains, Rather, Sumners, Taylor, Walker, Webster, M. D. Williams, T. Williams.

Those who voted for mr Jenkins are messrs Abercrombie, Hemphill, Irwin, Phillips and Walthall—Reps. messrs Speaker, Barron, Bonham, Bowen, Dubose, Hall of B. Keener, Lea, Miree, Morrisette, Oliver, Pegues, Porter, Salter, Sanders of D. Sanders of L. Scott and Simmons.

Benjamin N. Glover having received a majority of votes, mr Speaker therefore declared him duly elected solicitor of the seventh judicial circuit of this State.

The senate then withdrew, and the house adjourned until to-morrow morning 10 o'clock.

Tuesday December 3, 1833.—Mr. M. D. Williams presented the account of the jailor of Walker county, which was read and referred to the committee on accounts.

Mr M. D. Williams presented the petition of James Cain, of Walker county, praying an alteration of the road laws, which was read and referred to the committee on roads, bridges and ferries.

On motion, *Ordered*, That Mr Taylor be added to the committee on ways and means.

Mr Morrisett from the committee on propositions and grievances, to which was referred the petition of J. Cockrill; reported that it is inexpedient to legislate on the subject, in which report the house concurred.

Mr Lawson, from the committee on lands appropriated for internal improvement, to which was referred a resolution instructing said committee to inquire into the expediency of passing a law, authorizing the re-entry of lands which have been advertised for sale, and not sold for want of bidders, reported a bill to be entitled an act, supplementary to an act, to enable the State of Alabama to sell and dispose of certain lands therein named, which was read and ordered to a second reading.

Mr Houston, from the committee on propositions and grievances, to which was referred the bill entitled an act to organize the county of Coosa, reported a substitute in lieu thereof, which was adopted; the bill was ordered to be engrossed for a third reading.

Mr Johnson presented the petition of sundry inhabitants of Blount county, praying the passage of a law to authorize the building of a court house and jail in said county; which was read and referred to a select committee: whereupon, messrs Johnson, Musgrove and Rather were appointed said committee.

Mr Hill of S. from the select committee to which was referred the bill entitled an act, to locate permanently the seat of justice of Talledega county, reported sundry amendments, which were adopted; the bill was ordered to be engrossed for a third reading.

Mr Ware made the following report: The select committee appointed to wait on the State printer and know the reasons why the several documents ordered to be printed by this house, has not been so done, and report to this house; have directed me to make the following report: The committee have made the necessary inquiry, and find that owing to the low stage of the river, that the State printer have not been able to procure paper, and are unable to say when they will have a sufficient supply. They promise however, to furnish a copy by Thursday or Friday next, for each member, of the several documents, with a pledge to print the requisite number of each as ordered by this house. *Ordered*, that said report lie on the table.

Mr Musgrove introduced a bill to be entitled an act, to increase the number of company musters and for other purposes; which was read and ordered to a second reading.

Mr Davis introduced a bill to be entitled an act, for the improvement of the Cahawba river, from the town of Centreville to its junction with the Alabama river; which was read and ordered to a second reading.

Mr Webster introduced a bill to be entitled an act, to repeal an act authorizing Joseph G. Garrett and James W. Hill of Madison county, to build a mill on the Point Rock river in said county, on the fractional section No. 13, in township No. 6, of range No. 2, east of the basis meridian in the district of lands sold at Huntsville, passed January the 20th, 1832; which was read the first time and ordered to a second reading.

On motion of mr Porter, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending by law, the customs under which Indians are now sued, and of establishing the fees in such suits.

Mr Jackson called up the bill entitled an act, to secure the payment of costs and to prevent malicious law suits; the bill was then referred to a select committee: whereupon messrs Jackson, Hopkins and Walker were appointed said committee.

On motion of mr M. D. Williams, it was *Resolved*. That the committee on the judiciary be instructed to inquire if any, and what amendments are necessary to be made to the poor laws, with leave to report by bill or otherwise.

On motion of mr Jones of M. it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the laws of this State, as more fully to define the length of time a constable shall serve a warrant or other process from a justice of the peace, before the return thereof.

On motion of mr Gayle, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of increasing the salary of the several solicitors of this State, or allowing further compensation for their services by raising their several fees, with leave to report by bill or otherwise.

On motion of mr Morrisett, it was *Resolved*, That the committee on the State capitol, be instructed to inquire into the legality of the expenditures for enclosing and furnishing the capitol with furniture.

On motion of mr Sanders of D. it was *Resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating a part of the three per cent fund, to the improvement of the State road, leading from Cahawba to Tuscaloosa, commencing at Cahawba and terminating at Howell's in Perry county, a distance of twenty miles.

The house then proceeded to the consideration of the orders of the day. The bill from the senate, entitled an act to authorize town constables to execute process issued by justices of the peace, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Engrossed bills of the following titles, to wit: an act to authorize the commanding officers of the 25th regiment of Alabama militia, to form a company beat with a less number of privates than forty in the county of Henry; an act to revive and continue in force, an act to incorporate the town of Selma, in the county of Dallas, passed December 4th, 1820; an act authorizing the appointment of an overseer of the roads of the town of Russellville and for other purposes; an act to repeal an act, passed on the 12th day of January, 1833, entitled an act to compensate patrols for their services in the county of Madison; an act to amend an act, approved the 24th day of December, 1824, to establish a certain road therein named; and an act to permit the examination of parties to suits at common law, were severally read the third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka, was read the second time and referred to the judiciary committee.

A message was received from the senate by mr Conner, their secretary: mr Speaker—The senate have adopted the following resolution: *Resolved*, that with the concurrence of the house of representatives, the two houses

will assemble in the representative hall, at the hour of 12 o'clock on this day, for the purpose of electing judges of the third and fourth judicial circuits; mr Ormond moved that the resolution lie on the table, which was carried.

Bills of the following titles, to wit: an act to make void, the act of commissioners appointed to locate the seat of justice in the county of Barbour; an act to incorporate the manual labor institute in Perry county; an act further to provide for the sale of the 400,000 acres of land, granted to this State for internal improvement; and an act for the relief of the commissioners of the 16th section, township No. 7, range No. 6 west, were severally read the second time and ordered to be engrossed for a third reading.

On motion of mr Rhodes, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law, making it penal for any person wilfully to obstruct any of the rail roads which are now, or may hereafter be incorporated in this State.

On motion of mr Hall of B. it was *Resolved*, That the committee on ways and means, be instructed to inquire into the expediency of reducing the State tax now charged on neat cattle.

And then the house adjourned till to-morrow morning at 10 o'clock.

Wednesday, December 4, 1833.—A message was received from the senate by mr Conner, their secretary: mr Speaker—The senate have passed bills which originated in the house of representatives, of the following titles: a bill to be entitled an act to compensate the commissioners of road revenue, for the county therein named; a bill to be entitled an act to authorize the commissioner's court of Lauderdale county, to levy an additional amount of county taxes for the purposes therein named; a bill entitled an act to authorize the people of beat No. 6, in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton; a bill entitled an act permanently to locate the seat of justice, in Dallas county and erect public buildings. They have also passed the following bills, in which the concurrence of the house is asked; a bill entitled an act to organize the militia of Clark county; a bill entitled an act to exempt certain persons therein named from military duty.

Bills from the senate of the following titles, to wit: an act to organize the militia of Clark county; and an act to exempt certain persons therein named from military duty, were severally read and ordered to a second reading.

Ordered, That mr Horton have leave of absence until monday next.

Mr Hopkins presented the petition of sundry citizens of the town of Huntsville, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on emancipation.

Mr Gayle presented the petition of sundry citizens of Dallas county, praying to discontinue an election precinct at the house of E. Burrows, and to establish one at the house of John T. Primm in said county, which was read and referred to the committee on privileges and elections, to consider and report thereon.

Mr Beene presented the petition of sundry citizens of the town of Wetumpka, praying the passage of a law to authorize Bennet S. Griffin and his associates, to build a toll bridge across the Coosa river, which was read and referred to the judiciary committee.

Mr McRae asked leave to withdraw the petition of John Cockrill, of Franklin county, which was granted.

Mr Miree presented sundry certificates of witnesses in the case of the

State against manning; they were severally read and referred to the committee on propositions and grievances.

Mr Hall of B. from the committee on roads, bridges and ferries, to which was referred the petition of Aaron Shannon, reported it inexpedient; mr M. D. Williams moved that the report lie on the table, which was lost; the report was then concurred in.

Mr Hall of B. made the following report: The committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Covington county, setting forth that the legislature in 1831 and 2, passed an act authorizing Thomas McDaniel to keep and continue a toll bridge across Conecuh river at Montezuma, and since that time the county court of Covington county, have allowed another toll bridge to be erected within the distance of one hundred yards of the one established by said act of the legislature, and the owner thereof allowed to collect toll for crossing the same, which is greatly to the injury and prejudice of the said Thomas McDaniel, and they humbly pray the passage of an act prohibiting any toll bridge but mr McDaniel's, have had the same under consideration, and have instructed me to report it inexpedient to legislate on the subject, as the controversy is one properly cognizable in courts of the county; mr Salter moved that the report lie on the table, which was carried.

Mr Hopkins, from the judiciary committee, to which was referred the bill entitled an act, to amend an act for the relief of master builders and mechanics of the State of Alabama, reported a substitute in lieu thereof, which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Hopkins, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of so amending the usury law of this State, as to compel the makers of usurious bonds or notes, to pay the sums they borrowed with lawful interest, reported a bill to be entitled an act, to repeal in part an act, entitled an act to regulate the rate of interest, passed December 17, 1819, which was read and ordered to a second reading.

Mr Hopkins, from the judiciary committee, to which was referred the bill entitled an act, to authorize the instruction of certain free persons of color, reported the same without amendment; mr Hall of B. moved to amend it by inserting after the word "Mobile," the word "Baldwin" wherever it occurs in the bill, which was carried; it was ordered to be engrossed for a third reading.

Mr Hopkins made the following report: The judiciary committee to which was referred the bill entitled an act, to regulate the fees of the several bank attorneys of this State, accompanied by an instruction to inquire into the expediency of requiring the bank of the State and its branches, to include all persons liable on the same bill of exchange in one suit, has instructed me to report that it is inexpedient to pass the bill, or to require the bank and its branches to sue all the persons liable on any one bill of exchange in the same action; mr Jackson moved that the house disagree to the report; mr Ellis asked leave to be excused from voting on the question, which was granted. The question was then put on mr Jackson's motion and carried—yeas 54, nays 10.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Ambrester, Barron, Beene, Bonham, Bowin, Brown of M. Carithers, Carmack, Collier, Creagh, Davis, Dubose, Evans, Farrar, Fleming, Fortson, Gardner, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hollis, Hudson, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Lee, Massey, McDavid, McRea, Miree, Musgrove, Nabors, Norwood, Oliver, Porter, Rhodes, Salter, Sanders of L. Sanders of D. Simmons, Stewart, Sumners, Taylor, Walker, M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Brown, of J. Chamberlain, Hopkins, Houston, Morrisett, Ormond, Raines, Rather, Scott, and Ware.

Mr Rather moved to refer the bill to the committee on the State bank, which was lost; it was referred to a select committee: whereupon messrs Jackson, Hudson, Walker, Rhodes and Porter were appointed said committee.

Mr Hopkins from the judiciary committee, to whom was referred a resolution, instructing them to take into consideration the recent destruction of records in monroe county, reported a bill to be entitled "an act for the relief of monroe county," which was read and ordered to a second reading.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, to allow a change of venue in certain cases, reported a substitute in lieu thereof, which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled, an act to authorize the people of beat No. 6, in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of Elyton.

Mr Hallett from the committee on accounts, to which was referred the bill to be entitled an act, making appropriation for printing, binding and delivering the digest of the laws of Alabama, reported the same without amendment. The bill was ordered to be engrossed for a third reading tomorrow.

Mr Ormond introduced a bill to be entitled an act, to amend the different acts establishing a land office at Courtland, which was read and ordered to a second reading.

On motion of mr Lawson, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law for disposing of lands appropriated for internal improvement, so that the purchases of said lands be entitled to patents, where there are two or more tracts, that they may blend them in one patent if the purchaser should choose to do so, and that they have leave to report by bill or otherwise.

Mr Jackson from the select committee, to whom was referred the bill entitled an act, authorizing the entry of certain lands at the land office at Courtland, reported the following amendment: strike out of the 5th and 6th lines the following, "for more than one dollar and twenty five cents," and insert in lieu thereof, "by the commissioners appointed to value said lands at a price, not exceeding two dollars and fifty cents per acre," which was adopted. The bill as amended was ordered to be engrossed for a third reading.

The hour of twelve o'clock having arrived, mr Sanders of D. moved that the orders of the day be suspended for the present, which was carried.

Mr Beene called up the bill entitled an act, to establish a branch of the bank of the State of Alabama, in the county of Dallas; it was read the second time and referred to the committee on the State Bank.

Mr Beene presented the petition of sundry citizens of the town of Selma, praying that a branch of the bank of the State of Alabama, be located at the town of Selma, which was read and referred to the committee on the State Bank.

The house then proceeded to the consideration of the orders of the day.

Engrossed bills of the following, to wit: an act to incorporate the manual labor institute in Perry county, and an act further to provide for the sale of the 400,000 acres of land, granted to this State for internal improve-

ment, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Engrossed bills of the following titles, to wit: an act to make valid the act of the commissioners appointed to locate the seat of justice in the county of Barbour, and an act for the relief of the commissioners of the 16th section, 7th township and 6th range, west; were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bills of the following titles, to wit: an act to organize the county of Coosa and an act to permanently locate the seat of justice in the county of Talladega, were severally referred to the judiciary committee to consider and report thereon.

The bill entitled an act supplementary to an act to enable the State of Alabama to sell and dispose of certain lands therein named, was read the second time: *Ordered*, that the bill lie on the table.

The bill entitled an act to increase the number of company musters and for other purposes was read the second time and referred to the military committee.

The bill entitled an act for the improvement of the Cahaba river from the town of Centreville to its junction with the Alabama river, was read the second time—mr Gayle moved to amend the first section of the bill by inserting the names of William Johnson and William Curtis, which was adopted. The bill was referred to the committee on inland navigation.

The bill entitled an act to repeal an act authorizing Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on Paint Rock river, in said county, on the fractional section No. 13, township No. 6 of range No. 2, east of the basis meridian in the district of lands sold at Huntsville; passed January 20, 1832, was read the second time and referred to the judiciary committee.

Mr Rhodes introduced a bill to be entitled an act to fix the salaries of the president and officers of the branch of the bank of the State of Alabama at Decatur, which was read and ordered to a second reading.

Ordered, That mr Beene be added to the committee on the State bank.

Mr Farrar introduced a bill to be entitled an act to change the times of holding the county courts of the county of Benton, which was read and ordered to a second reading.

On motion of mr Hudson, it was *Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of passing a law defining more fully in what cases sheriffs shall be entitled to commissions on money collected by them on executions; with leave to report by bill or otherwise.

Mr Rhodes introduced a bill to be entitled an act to amend an act entitled an act to incorporate the Tusculumbia, Courtland and Decatur road company, which was read and ordered to a second reading.

Ordered, That mr Morrisett be added to the committee on the State Bank.

Mr Hallett offered the following preamble and resolution.—“Whereas, the establishment of all banking institutions is intended to benefit every class of society, the planter and mechanic as well as the merchant; and, whereas, it is feared that the benefit of these institutions have not been equally distributed—therefore *Resolved* That the committee on the State bank be instructed to inquire into the propriety of passing an act requir-

ing the directors of the branch of the Bank of the State of Alabama, at Mobile, to set apart a sufficient portion of the two millions of the capital stock assigned to that bank, for the exclusive benefit of the planters and others, residents in the interior of the country, to be loaned on notes having not more than 12 months to run at an interest not exceeding eight per cent per annum, which was adopted.

And then the house adjourned till to-morrow 10 o'clock.

Thursday, December 5, 1833.—Mr Speaker laid before the house a communication from Pleasant H. May, Esq., editor of the Flag of the Union, in relation to the printing of sundry public documents, which was read; *Ordered*, That said communication do lie on the table.

On motion of Mr Oliver, it was *Resolved*, That the report of the committee on the branch bank of the State of Alabama, at Mobile, with the accompanying documents be withdrawn from the State printer and given to the messrs McGuire's with a request to print them immediately.

Mr Jackson presented the petition of sundry inhabitants of Lauderdale county, praying an act of incorporation to establish a rail road from the town of Florence to the town of Pulaski in the State of Tennessee, which was read and referred to a select committee, whereupon messrs Jackson, Carmack, and Ormond, were appointed said committee.

Mr Norwood presented the petition of sundry citizens of Blount county, in behalf of Middleton T. Johnson, who is a citizen of Jackson county, praying compensation for services rendered a sick person therein named, which was read and referred to the committee on propositions and grievances to consider and report thereon.

Mr Price presented the petition of sundry inhabitants of Sumpter county, praying that a ferry be established at Jesse Bentley's landing, on the Tombeckbee river, which was read and referred to a select committee; whereupon messrs Price, Fortson and Horton were appointed said committee to consider and report thereon.

Mr Hopkins from the judiciary committee to which was referred a resolution directing the committee to inquire into the propriety of providing a standard of weights and measures for each county or for each judicial circuit in this State, reported that the existing laws provide for the object of the resolution. The committee ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Hopkins from the judiciary committee, to which was referred the resolution that directed them to inquire into the expediency of allowing fees to jailers for keeping white persons confined in the several jails; reported that the object of the resolution is provided for by the existing laws, and asked leave to be discharged from the further consideration of the subject; which was granted.

Mr Hall of B. from the committee on roads, bridges and ferries, to whom was referred the petition of James Cain, reported it inexpedient to grant the prayer of the petitioner at this time, in which report the house concurred.

Mr Hall of B. from the committee on roads, bridges and ferries, to whom was referred the bill entitled "an act to repeal in part and amend the law now in force in this State, relating to the apportionment of hands to work on public roads, reported a substitute in lieu thereof which was adopted. A motion was made to recommit the bill which was lost. Mr Ware moved to amend it by way of proviso which was adopted. Mr Rather moved to amend it by adding thereto an additional section which was adopted. Mr Jackson moved that the bill lie on the table, which was carried; yeas 36, nays 27.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Barron, Beene, Bowin, Brown of J. Chamberlain, Creagh, Davis, Ellis, Gardner, Gayle, Harkins, Hall of B. Hallett, Harris, Hill of H. and D. Hudson, Jackson, Johnson, Jones of T. Keener, McDavid, McKae, Miree, Musgrove, Nabors, Norwood, Oliver, Rains, Salter, Sanders of D. Scott, Simmons, Sumners, Ware and M. D. Williams.

Those who voted in the negative, are messrs Armbrester, Brown of M. Carithers, Carmack, Dubose, Farrar, Fleming, Fortson, Hall of A. Hill of S. Hollis, Hopkins, Houston, Jones of M. Lawson, Massey, Morrisett, Ormond, Porter, Price, Rather, Rhodes, Sanders of L. Stewart, Taylor, Walker and T. Williams.

A message was received from the governor by James I. Thornton—mr Speaker, I am requested by the governor to inform your honorable body, that he did on the 2nd inst. approve and sign "an act to provide for the further organization of the county of Sumpter, and a joint memorial in relation to public lands, and on the 4th inst. "an act to incorporate the town of Moulton, in the county of Lawrence: an act to provide for the payment of grand and petit jurors in the county of Jefferson: an act to authorize the people of beat No. 6 in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of Elyton, all of which originated in the House of Representatives.

A message from the senate by mr Conner their secretary—mr Speaker, the senate have passed bills of the following titles in which they ask the concurrence of the house of representatives: "a bill to authorize David Carter to collect the taxes and take the census of the citizens of Macon county: a bill to be entitled an act to amend the law in relation to change of venue in criminal causes: a bill to be entitled an act to provide for the payment of jurors in the county of Lawrence: a bill to be entitled an act to provide for the payment of the commissioners of the 16th section, in the county of Lawrence.

Mr Jackson moved that the house adjourn until to-morrow 10 o'clock, which was lost; yeas 29, nays 35.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Brown of J. Chamberlain, Creagh, Davis, Dubose, Ellis, Fleming, Gayle, Harkins, Hall of B. Hallett, Harris, Hall of H. and D. Hollis, Jackson, Keener, McKae, Morrisett, Nabors, Norwood, Ormond, Rains, Rather, Salter, Sanders of D. Sanders of L. Scott, and Stewart.

Those who voted in the negative, are Messrs Armbrester, Barron, Beene, Bowin, Brown of M. Carithers, Carmack, Farrar, Fortson, Gardner, Hall of A. Hill of S. Hopkins, Houston, Hudson, Johnson, Jones of M. Jones of T. Lawson, Massey, McDavid Miree, Musgrove, Oliver, Pegues, Porter, Price, Rhodes, Simmons, Sumners, Taylor Walker, Ware, M. D. Williams and T. Williams.

Mr Carithers made the following report: the committee on enrolled bills have examined and found correctly enrolled bills of the following titles, viz: an act permanently to locate the seat of justice in Dallas county and erect public buildings: an act to authorize the commissioners court of Lauderdale county, to levy an additional amount of county taxes for the purposes therein named; an act to compensate the commissioners of roads and revenue in the county therein named.

Mr Musgrove from the select committee to which was referred the bill entitled an act to authorize Mace T. P. Brindley to turnpike certain roads therein named, reported the same without amendment and recommended its passage, it was ordered to be engrossed for a third reading.

Ordered, That mr Oliver be added to the committee on education.

And then the house adjourned till to-morrow 10 o'clock.

Friday, December 6, 1833.—Mr Hopkins from the judiciary committee, to which was referred a resolution that directed the committee to inquire into the expediency of making further provisions by law, for the pay-

ment of tales jurors and of witnesses, in criminal cases, summoned by the State, in which the State is the unsuccessful party, reported that the objects of the resolution have been sufficiently provided for by law, and asked leave to be discharged from the further consideration of the resolution, which was granted.

The same committee to which was referred a resolution directing the committee to inquire into the expediency of defining more fully in what cases sheriffs shall be entitled to commissions on money collected by them, reported that the object of the resolution is clearly provided for by the existing law, and asked leave to be discharged from the further consideration of the resolution, which was granted.

Ordered, That messrs F. Williams, Brannon and Sumners have leave of absence till Monday next.

Mr Hopkins from the judiciary committee, to which was referred, a resolution that directed the committee to inquire what amendments, if any, should be made to the law for the relief of the poor; reported a bill to be entitled an act to amend the laws and to make further provisions for the support of the poor in the several counties in this State, which was read and ordered to a second reading.

The same committee to which was referred a resolution instructing them to inquire into the expediency of requiring justices of the peace to give security, reported a bill to be entitled an act requiring justices of the peace to give security: which was read and ordered to a second reading.

Mr Rather from the committee composed of the delegation of Blount and Morgan, to which was referred the bill entitled an act to continue in force an act entitled an act to establish a public road from the house of John Gandy, in Morgan county to Baltimore or Morgan's Springs in Blount county; passed December 23, 1822, reported a substitute in lieu thereof, which was adopted; the bill was ordered to be engrossed for a third reading.

Mr Massey presented the account of P. Naylor as judge advocate which was read and referred to the committee on accounts.

Mr Hill of S. from the committee on propositions and grievances to which was referred the petition of John McDonald, reported that the matters contained in said petition are not proper subjects of legislation, in which report the house concurred.

Mr Masgrove introduced a bill to be entitled an act to reduce the number of days that hands shall be liable to work on public roads, and for other purposes, which was read and ordered to a second reading.

Mr Hudson offered the following preamble and resolution—Whereas, it appears that some of the counties of this State have failed to assess and collect any tax whatever for the support of government, agreeably to the laws now in force upon that subject; therefore be it *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of so altering and amending the laws so as to ensure an assessment, collection and return of taxes agreeable to the laws now, or that hereafter may be in force on that subject, with leave to report by bill or otherwise.

Mr Hall of B. moved that the resolution lie on the table, which was lost. The resolution was then adopted.

Mr Hill of H. and D. introduced a bill to be entitled an act for the relief of William Martin, late assessor and collector of the county of Dale, which was read and ordered to a second reading.

On motion of Mr Hall of A. it was resolved that the committee on the State bank be instructed to inquire into the expediency of so framing a law as to prevent any of the directors in the State bank or any of its branches from holding the office of attorney in said bank.

On motion of mr Salter it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law more particularly defining the liability of the securities of executors, administrators and guardians, before the judge of the county or orphans' court; taking into consideration the removal of any such executors, administrators and guardians without the circuit of this State; with leave to report by bill or otherwise.

Bills from the senate of the following titles, to wit: an act to authorize David Carter to collect the taxes and take the census of the citizens of Macon county: an act to amend the law in relation to a change of venue in criminal causes: an act to provide for the payment of jurors in the county of Lawrence; and, an act to provide for the payment of the commissioners of the 16th sections in the county of Lawrence, were severally read and ordered to a second reading.

Ordered, That mr Brown of J. be added to the committee on the State capitol.

On motion of mr Hall of A. it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of George Taylor, and one at Thomas Waldens in Coosa county.

The house then proceeded to the consideration of the orders of the day.

Bills from the senate of the following titles, to wit: an act to exempt certain persons therein named from military duty; and, an act to organize the militia of Clarke county, were severally read the second time and referred to the military committee.

Engrossed bills of the following titles, to wit: an act making appropriation for printing, binding and delivering the digests of the laws of Alabama: an act authorizing the entry of certain lands at the land office at Courtland; and, an act to authorize Mace T. P. Brindley to turnpike certain roads therein named; were severally read the third time and passed: *Ordered*, that the titles be as aforesaid: *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill entitled an act to alter the law in regard to changes of venue and for other purposes, being under consideration; mr Jackson moved that the further consideration of the bill be postponed until Monday next, which was carried.

The engrossed bill entitled an act for the relief of master builders and mechanics in the State of Alabama being under consideration; mr Hudson moved to amend the bill by way of the following engrossed rider—"provided that nothing in this act shall prevent the owner of said lot or land from relieving said building from the lien by giving good security for the price of the building, and provided also that no sale shall be had by virtue of this act for six months after the building is completed." mr Morrisett moved that the further consideration of the bill be postponed until tomorrow, which was carried.

Mr Ormond called up the bill entitled an act supplementary to an act to enable the State of Alabama to sell and dispose of certain lands therein named.

Mr Lawson moved to amend the bill with the following, after the word "administrators" in the 1st section, insert these words "or assignee of the purchaser, his; her or their heirs, executors or administrators" which was adopted; the bill was referred to the judiciary committee.

The bill entitled an act to repeal in part an act entitled an act to regulate

interest, passed December 17, 1819; was read the second time and ordered to be engrossed for a third reading.

The engrossed bill, entitled an act to authorize the instruction of certain free persons of color therein described, was read the third time: mr Lawson moved the further consideration of the bill be postponed till Monday next, which was lost: mr Jackson moved to postpone the further consideration till to-morrow, which was lost: mr Morrisett moved to postpone the consideration of the bill till three o'clock this evening, which was lost; and the question being put; shall this bill pass, it was determined in the affirmative; yeas 35, nays 22.

The yeas and nays being demanded; those who voted in the affirmative, are messrs Speaker Beene Brown of J. Brown of M. Carmack Chamberlain Creagh Davis Farrar Fleming Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Houston Johnson Jones of M. Massey McDavid McRae Musgrove Nabors Ormond Rains Rather Sanders of L. Stewart Taylor Webster and M. D. Williams,

Those who voted in the negative, are messrs Ambrester Bowin Carithers Dubose Ellis Fortson Gardner Hudson Jones of T. Keener Lawson Miree Morrisett Oliver Pegues Porter Rhodes Salter Scott Simmons Walker and Ware.

So the bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, for the relief of Monroe county, was read the second time; mr Morrisett moved to amend it by striking out the last section with a view to insert another in lieu thereof, which was adopted, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to fix the salaries of the president and officers of the branch of the bank of the State of Alabama at Decatur, was read the second time and referred to the committee on the State bank.

The bill entitled an act to change the time of holding the county courts of the county of Benton, was read the second time and ordered to be engrossed for a third reading.

Bills of the following titles, to wit: an act to amend an act entitled an act to incorporate the Tusculumbia, Courtland and Decatur rail road company; and, an act to amend the different acts establishing a land office at Courtland, were severally read the second time and referred to the judiciary committee.

Mr Brown of J. introduced a bill to be entitled an act to change the name of a certain person therein named, which was read and ordered to a second reading.

On motion of mr Hill of S. it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of inquiring into the constitutionality of allowing each county in this State at least one representative, with leave to report by bill or otherwise.

On motion of mr Keener, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law making it penal for any captain in this State who may be the acting justice of the peace in their respective beats, for refusing to advertise all elections for justices of the peace, where such vacancies may have occurred by the limitation of the law, with leave to report by bill or otherwise.

Mr Ormond introduced a bill to be entitled an act to authorize Amos Robinson to emancipate a slave therein named, which was read and ordered to a second reading.

And then the house adjourned till to-morrow 10 o'clock.

Saturday, December 7th, 1833.—A message was received from the senate by Mr Conner, their secretary; Mr Speaker—The senate have passed bills which originated in the house of representatives, of the following titles: an act to repeal an act entitled an act allowing the tax collectors of Covington county twenty-five per centum on the amount of county taxes passed 29th December, 1832; and, an act to incorporate the town of Oakville, in Lawrence county:

Mr Morrisett, from the committee of propositions and grievances to whom was referred the bill to be entitled an act supplemental to an act regulating the time of making payment upon lands sold at the land office, Courtland, reported that it was inexpedient to pass the bill at this time, which report the house concurred.

The same committee to whom was referred the petition of Middle T. Johnson, reported that the subject matter of said petition is not a proper subject of legislation, and asked leave to be discharged from the further consideration of the same, which was granted.

The same committee, to whom was referred the claims of James Logg and others, reported that they are not chargeable to the State but are payable by the county treasurer out of the funds arising from fines and forfeitures; and ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Hopkins, from the judiciary committee, to which was referred a bill entitled an act to provide further for the regulation of constables and constables bonds, reported a substitute in lieu thereof, which was adopted; the bill was ordered to be engrossed for a third reading.

Mr Jackson, from the select committee to which was referred the bill entitled an act to secure the payment of costs and to prevent malicious suits, reported a substitute in lieu thereon, which was adopted.

Mr Morrisett moved to amend it by inserting after the word "trespass" the word "for" which was carried, and the question being put, shall the bill be engrossed and read the third time, it was determined in the affirmative; yeas 20, nays 40.

The yeas and nays being demanded, those who voted in the affirmative are Mr Speaker, Brown of J. Carmack Ellis Fleming, Fortson, Harkins, Harris, Hill and D. Hopkins, Houston, Jackson, Jones of T. Massey, Norwood, Oliver, Walker, Ware and M. D. Williams

Those who voted in the negative, are Messrs Ambrester, Bonham, Brickell of M. Carithers, Chamberlain, Collier, Creagh, Davis, Dubose, Farrar, Gil Gayle, Hall of A. Hall of B. Hallett, Hill, of S. Hollis, Hudson, Jones of M. son, Lee, McDavid, Miree, Morrisette, Musgrove, Nabors, Ormond, Pegter, Rains, Rather, Salter, Sanders of D. Sanders of L. Scott, Simmons, Taylor and Webster.

So the bill was rejected.

Mr Carithers made the following report—The committee on enrolled bills have examined and found correctly enrolled a bill entitled to authorize town constables to execute process issued by justice of the peace.

Mr Houston, from the committee on propositions and grievances to whom was referred a resolution instructing them to inquire into the expediency of memorializing the congress of the United States, on the subject of establishing a pension office in North Alabama; reported a resolution of the legislature of the State of Alabama to the congress of the United States, which was read and ordered to a second reading.

Mr Houston from the committee on propositions and grievances to whom was referred a resolution instructing them to inquire into the expediency of so altering and amending the constitution so as to have

instead of annual session of the general assembly; reported that it is inexpedient as the voice of the State was taken on that subject, and decided unfavorable to such a change, in which report the house concurred; yeas 44, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Beene Bo ham Brickell Brown of J. Brown of M. Carithers Chamberlain Collier Creagh Davis Dubose Ellis Farrar Fortson Gardner Gayle Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Houston Keener Lee Massey McDavid Morrisett Musgrove Nabors Oliver Ormond Porter Rains Rather Rhodes Sater Sanders of D. Sanders of L. Simmons Walker Ware and M. D. Williams.

Those who voted in the negative, are messrs Armbruster Carmack Fleming Hopkins Hudson Jackson Jones of M. Jones of T. Lawson Miree Norwood Pegues Scott Stewart Taylor and Webster.

Mr M. D. Williams, from the committee on education, to which was referred a resolution instructing them to inquire into the expediency of giving to the citizens of each township in this State all the nett proceeds arising from the banking operations on the sixteenth section fund; reported that by the existing law the nett proceeds arising from that fund by banking operations, are given to the citizens of the township, and asked leave to be discharged from the further consideration of the subject, which was granted.

The same committee, to which was referred a resolution instructing them to draft a suitable memorial to the congress of the United States, asking a grant of land for each township where the 16th section is of little value, to be selected from any unappropriated lands within this State; reported that provision is now made by an act of congress, to make other selections where the 16th section is useless within said township; they therefore deem it inexpedient to trouble congress with any memorial as contemplated by said resolution, and asked leave to be discharged from the further consideration of the same: *Ordered*, that said report lie on the table.

The same committee, to which was referred the petition of sundry citizens of the county of Lauderdale, praying that a law may be passed to sell the 16th section in township No. 1, range 12 west, and the funds arising therefrom placed in the hands of some responsible man in the neighborhood, and loaned at interest, reported that provision is made by the existing laws, for the sale of the 16th section, and that it would be inexpedient to pass a law to embrace the object of the petitioners, in which report the house concurred.

The same committee, to which was referred the bill to be entitled an act to amend the several acts relating to the 16th sections, reported that it is inexpedient to repeal the act as contemplated by the present bill; *Ordered*, that the further consideration of the report be postponed until monday next.

Mr Chamberlain from the select committee, to which was referred the petition of B. Tardy, captain of the perseverance engine company No. 1, of the city of Mobile, reported a bill to be entitled an act for the relief of the captain of perseverance fire engine company, No. 1, of the city of Mobile, which was read and ordered to a second reading.

Mr Price made the following report; the select committee to which was referred the petition of John Mangon and Jesse Brantley, concerning a ferry at Jones's Bulff, on the Tombeckbee river, beg leave to report that they believe it to be inexpedient for the general assembly to establish by law any ferry, in as much as the laws have confided that power to the court of commissioners of revenue and roads; therefore they believe the petition of Jesse Brantley ought not to be granted; in which report the house concurred.

The same committee reported a bill to be entitled an act for the relief of John Mangon, which was read and ordered to a second reading.

Mr Jones of M. introduced a bill to be entitled an act to exempt non slave holders in madison county, from patrol duty; which was read and ordered to a second reading.

Mr Sanders of L. called up the resolution from the senate, proposing to go into the election of judges of the 3d and 4th judicial circuits; mr Sanders then moved to amend the resolution, by striking out the words "this day," to insert "on monday next," which was carried. The resolution as amended was adopted. *Ordered*, that the clerk acquaint the senate therewith.

Mr Keener introduced a bill to be entitled an act, to repeal the 3d, 4th and 5th sections of an act in relation to a road leading from D. Lewis', in originally, Pike but now Barbour county, approved 20th January, 1830; and also, the entire act upon the same subject, and in relation to the same road, approved 4th January, 1832, which was read and ordered to a second reading.

Mr Beene presented the petition of sundry inhabitants of Dallas county, praying that a branch of the bank of the State be established in said county, which was read and referred to the committee on the State Bank.

On motion of mr Massey, it was *Resolved*, That the committee on inland navigation, be instructed to inquire into the propriety of memorializing congress to appropriate a part of the two per cent. fund, in making a road from the Georgia line through St. Clair county, with instructions to report a memorial if they deem it expedient.

The house then proceeded to the orders of the day.

The bill from the senate entitled an act, to authorize David Carter to collect the taxes and take the census of the citizens of macon county, was read the second time, and the constitutional provision being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Bills from the senate of the following titles, to wit: An act to amend the law in relation to a change of venue in criminal cases; an act to provide for the payment of jurors in the county of Lawrence; and an act to provide for the payment of the commissioners of the 16th sections in the county of Lawrence, were severally read a second time and ordered to a third reading.

Engrossed bill entitled an act, to continue in force an act, entitled an act, to establish a public road from the house of John Gundy, in morgan county, to Baltimore or morgan's springs in Blount county, passed December 23, 1822; also a bill to be entitled an act, to continue in force an act, entitled an act, to establish a public road from near Baltimore in Blount county, to where it intersects the Blountsville road to Tuscaloosa, near the town of Elyton, in Jefferson county, passed December 9, 1823, was read the third time and passed the house of representatives. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill entitled an act, to change the time of holding the county courts of the county of Benton, was read the third time; mr Massey moved to amend it by way of engrossed ryder, which was adopted; the bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill entitled an act, to repeal in part an act, entitled an act, to regulate the rate of interest, passed December 17, 1819, being under

consideration. *Ordered*, that the further consideration thereof be postponed until Monday next.

The engrossed bill entitled an act, for the relief of master builders and mechanics in the State of Alabama, was read the third time. The question recurred on Mr Hudson's amendment, by way of engrossed rider. A division of the question being called for, the vote was first taken on the first proviso and carried; Mr Hudson then asked leave to withdraw the second part of the amendment, which was granted and the question being put: shall this bill pass? it was determined in the affirmative—yeas 50, nays 9.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Beene, Bonham, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Creagh, Ellis, Farrar, Fleming, Fortson, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hall of S. Hopkins, Houston, Jackson, Jones of M. Jones of T. Keener, Lawson, Massey, McDavid, Morrisett, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Rains, Rather, Rhodes, Sanders of D. Scott, Simmons, Stewart, Taylor, Walker, Webster and M. D. Williams.

Those who voted in the negative are, messrs Armbruster, Davis, Dubose, Hudson, Lee, Miree, Salter, Sanders of L. and Ware.

The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, to amend the several laws and to make further provisions for the support of the poor, in the several counties in this State, was read the second time and ordered to be engrossed for a third reading.

The bill entitled an act, to reduce the number of days that hands shall be liable to work on public roads and for other purposes, was read the second time and referred to the committee on roads, bridges and ferries.

The bill entitled an act, requiring justices of the peace to give security, was read the second time; Mr Chamberlain moved the following amendment; provided, that this act shall not extend to the county of Mobile: Mr Hopkins moved that the further consideration of the bill be postponed until Monday next, which was carried.

The bill entitled an act, for the relief of William Martin, late assessor and collector of the county of Dale, was read the second time and referred to the committee on propositions and grievances.

The bill entitled an act, to change the name of certain persons therein named, being on the second reading; Mr Creagh moved that it be indefinitely postponed, which was carried.

The bill entitled an act, to authorize Amos Robinson to emancipate a slave therein named, was read the second time and referred to the committee on emancipation.

Mr Walker called up the bill entitled an act, to repeal in part and amend the laws now in force in this State, relating to the apportionment of hands to work on public roads: it was referred to a select committee: whereupon messrs Walker, Rather, Ormond and Beene were appointed.

Mr Porter introduced a bill to be entitled an act, to authorize William Hollinger to keep a toll bridge, which was read and ordered to a second reading.

Mr Bonham presented the petition of sundry citizens of Dale town, praying that a branch of the bank of the State be located at said town, which was read and referred to the committee on the State Bank.

Mr Beene presented the petition of sundry citizens of Dallas county, praying that a branch of the bank of the State be located in said county which was read and referred to the committee on the State Bank.

Mr Morrisett moved to add eight members (one from each judicial circuit)

ent,) to the committee on apportionment: whereupon, messrs Nabors, Keener, Morrisett, Taylor, Lee, Oliver, Fleming and Sanders of L. were appointed.

And then the house adjourned until Monday at 10 o'clock.

Monday December 9, 1833.—Message from the senate by mr Conner, their secretary: mr Speaker—The senate have passed bills which originated in the house of representatives, entitled an act for the relief of Monroe county; an act making appropriation for printing, binding and delivering the digest of the laws of Alabama.

Mr Carmack presented the petition of Amos Jones of Lauderdale county, praying the passage of a law to authorize the said Jones, to procure title to a certain tract of land therein named, which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Keener presented a memorial of the citizens of the counties of Marion and Barbour, on the subject of the settlers on the Creek lands, which was read and referred to the same committee, to which was referred so much of the governor's message on that subject.

Mr Chamberlain presented the petition of sundry citizens of Mobile county, praying that the election precinct established at the house of J. Chism, at Springhill in said county, be removed to the house of James W. King, which was read and referred to the committee on privileges and elections.

A message from the senate by mr Conner, their secretary: mr Speaker; The senate concur in the amendment made to their resolution, proposing to go into the election of a judge of the 3d and 4th judicial circuits, by inserting "Monday the 9th instant."

Mr Ormond presented the petition of Nathaniel Aldridge of Lawrence county, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on emancipation.

Mr Brickell made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles: an act to repeal an act, entitled an act, allowing the tax collector of Covington county, twenty-five per centum on the amount of county tax of said county, passed on the 29th of December, 1832; also, an act to incorporate the town of Oakville, in the county of Lawrence.

Mr Hudson introduced a bill to be entitled an act, authorizing the judge of the county court and commissioners of roads and revenue of the county of Franklin, to levy a county tax, which was read and ordered to a second reading.

Mr Nabors introduced a bill to be entitled an act, to further provide for the payment of grand and petit jurors in the county of Shelby, which was read and ordered to a second reading.

Mr Carmack introduced a bill to be entitled an act, to dispose of the old digest, which was read and ordered to a second reading.

Mr Hollis introduced a bill to be entitled an act, to change the times of holding the county courts in the county of Marion, which was read and ordered to a second reading.

On motion of mr Collier, it was *Resolved*, That the committee on divorce and alimony, be instructed to inquire into the expediency of so amending the law, requiring persons to live apart three years before they can obtain a divorce, as only to require one year's separation.

Mr McRae introduced a bill to be entitled an act, regulating the duty of the receiver of the land office at Courtland, which was read and ordered to a second reading.

Mr Brown of J. introduced a bill to be entitled an act, to fix the num-

ber of jurors to be drawn for the circuit court of Jefferson county and for other purposes, which was read and ordered to a second reading.

Mr Simmons presented the petition of sundry citizens of the town of Wetumpka, praying the passage a law to authorize Isaac P. Pond and his associates, to erect a toll bridge across the Coosa river at said town, which was read and referred to the judiciary committee.

Mr Hall of A. introduced a bill to be entitled an act, to secure the payment of tales jurors in the county therein named, which was read and ordered to a second reading.

Mr Oliver introduced a bill to be entitled an act, to appoint a commissioner for the county of Russell, to fill the vacancy occasioned by the death of Hardeman Owens, which was read the first time and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith; and the rule being further dispensed with, it was read the third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

On motion of mr Ormond, it was *Resolved*, That the judiciary committee, be instructed to inquire into the expediency of defining, with more precision, the law of contempts, with leave to report by bill or otherwise.

Mr Ormond introduced a bill to be entitled an act, to repeal in part an act therein named, which was read and ordered to a second reading.

On motion of mr Porter, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of equalizing the fees now paid to the several county officers of this State.

Mr Salter introduced a bill to be entitled an act, to repeal an act approved on the 2d January, 1833, requiring the judge of the county court of Covington and Blount counties, to reside within five miles of the county site, which was read and ordered to a second reading.

Mr Hudson offered the following resolution: *Resolved*, That with the consent of the senate, both branches of the general assembly will on Thursday next, at the hour of three o'clock, P. M. assemble in the representative hall, for the purpose of going into the election of a judge of the circuit court for the 7th judicial circuit; also a solicitor for the 4th judicial circuit, and a judge of the county court of St. Clair county; mr Jackson moved that the resolution lie on the table; mr Massey moved to amend it, by striking out so much as relates to the election of a judge of the county court of St. Clair county, which was carried. The question recurred on mr Jackson's motion and carried.

Mr Hallett introduced a bill to be entitled an act, to amend the road laws within the county of mobile and for other purposes, which was read and ordered to a second reading.

On motion of mr Brickell, it was *Resolved*, That the judiciary committee, be instructed to inquire whether the laws, prohibiting negro slaves from hiring their own time, cannot be so amended as to be made more effectual, and also the laws prohibiting the trading with slaves.

Mr Chamberlain introduced a bill to be entitled an act, providing additional compensation for the judge of the county court of Baldwin county, which was read and ordered to a second reading.

Mr Hall of B. introduced a bill to be entitled an act, to improve the mail stage road through Baldwin county, which was read and ordered to a second reading.

Mr Hall of B. introduced a bill to be entitled an act, to amend an act, entitled an act, to regulate the landing of goods by steam boats and barges

and for other purposes, which was read and ordered to a second reading.

On motion of mr Massey, it was *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall on Friday next, at half past 3 o'clock, for the purpose of electing a judge of the county court for the county of St. Clair. *Ordered*, that the clerk acquaint the senate therewith.

Mr Hall of B. offered the following preamble and resolution: whereas it appears from the amount of business introduced since the present legislature commenced its session, that no subjects of great importance, to the public interest, are likely to be acted on during the present session: *Be it therefore resolved*, with the concurrence of the senate, the two houses will adjourn *sine die*, on Saturday the 21st instant; mr Porter moved that the resolution lie on the table, which was carried.

Mr Keener introduced a bill to be entitled an act, to levy a tax upon the cattle of non-residents of certain counties therein named, which was read and ordered to a second reading.

Mr Ellis introduced a bill to be entitled an act, exempting certain property from execution and for other purposes, which was read and ordered to a second reading.

On motion of mr Pegues, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing the election precinct now established at the house of James Stephenson, and establish one at Barboursville, the present seat of justice in Wilcox county.

Mr Nabors called up the communication from the secretary of state on the subject of the census; mr Nabors moved that it be referred to the committee on apportionment, which was carried.

On motion of mr Brickell, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of changing the election precinct now held at the house of John Harden, in Lime-stone county, so that the precinct shall be held in future at the present residence of Creed Taylor.

The house took into consideration the report of the committee on education, on the bill entitled an act to repeal an act, entitled an act to amend the several acts relating to the 16th sections; the question was to concur in the report, and lost. The bill was ordered to be engrossed for a third reading.

A message was received from the governor, by James I. Thornton, which was as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa, December 9, 1853.

I have the honor to inform the general assembly, that since their last session, Joshua L. Martin, Esq. resigned the office of solicitor of the fourth judicial circuit, and that the vacancy was filled by the appointment of S. G. Houston, Esq.

JOHN GAYLE,

Ordered, that the said message lie on the table.

Mr Jackson offered the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will assemble in the representative hall, this day at the hour of 12 o'clock, for the purpose of electing a solicitor for the 4th judicial circuit; mr Hudson moved to amend it by striking out the words "this day," to insert "on Thursday next," which was lost; the resolution was then adopted. *Ordered*, that the clerk acquaint the senate therewith.

A message was received from the senate by mr Conner, their secretary: mr Speaker—The senate concur in the resolution from the house of representatives, proposing to go into the election of a solicitor of the fourth judicial circuit, this day at 12 o'clock.

On motion of mr Sanders of L. it was *Resolved*, That the senate be

formed that the house of representatives is now ready to receive them in the representative hall, for the purpose of going into the election for judges of the 3d and 4th judicial circuits, and a solicitor for the 4th Judicial circuit. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives and taken their seats, both houses then proceeded to the election of a judge of the 3d judicial circuit. Henry W. Collier alone being in nomination.

Those who voted for mr Collier are, messrs President, Abercrombie, Ashe, Anderson, Barclay, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Morton, Phillips, Pickett, Vining, Walthall and Wilkinson: representatives, messrs Speaker, Armbruster, Barron, Beene, Bonham, Bowin, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Dubose, Ellis, Farrar, Fleming, Fortson, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. Hill of S. Hollis, Hopkins, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Lee, Massey, McDavid, McRae, Miree, Morrisette, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Porter, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Summers, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Mr Collier having all the votes given was, by mr Speaker, declared duly elected judge of the third judicial circuit for the next constitutional term.

The two houses then proceeded to elect a judge of the fourth circuit; Joshua L. Martin and John White being in nomination, for mr Martin 58, for mr White 34.

Those who voted for mr Martin are, messrs President, Abercrombie, Ashe, Barclay, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, McVay, Morton, Pickett, Vining, and Wilkinson.—Representatives, messrs Speaker, Armbruster, Barron, Beene, Bowin, Brickell, Brown of J. Brown of M., Carithers, Carmack, Chamberlain, Collier, Davis, Dubose, Ellis, Evans, Fortson, Gayle, Harkins, Harris, Hill of H. Hill of S., Hollis, Hudson, Johnson, Jones of M., Jones of T., Keener, Lawson, Lee, McDavid, Miree, Nabors, Norwood, Oliver, Pegues, Rhodes, Sanders of L., Summers, Walker, M. D. Williams and T. Williams.

Those who voted for mr White are, messrs Anderson Brown Chapman Lyon Phillips and Walthall.—Representatives, Bonham, Creagh, Farrar, Fleming, Gardner, Hall of A. Hall of B. Hallett, Hopkins, Houston, Jackson, Massey, McRae, Morrisett, Musgrove, Ormond, Porter, Price, Rains, Rather, Salter, Sanders of D. Scott, Simmons, Stewart, Taylor, Ware and Webster.

Mr Martin having a majority of all the votes given, was declared by mr Speaker duly and constitutionally elected judge of the fourth judicial circuit.

The senate and house of representatives then proceeded to elect a solicitor for the fourth judicial circuit, J. Lewis, William Richardson and George S. Houston, being in nomination, for Lewis 16, Richardson 41, Houston 35.

Those who voted for mr Lewis are, messrs Chapman Coopwood Guild Morton and Pickett.—Representatives, messrs Brown of M. Fleming Hallett Hill of H. Hollis Hopkins Hudson McRae Miree Pegues and Stewart.

Those who voted for mr Richardson are, messrs Abercrombie Anderson Ashe Hemphill Irwin Lane Lyon Phillips Vining and Walthall.—Representatives, messrs Barron Bonham Bowin Brickell Brown of J. Ellis, Gardner Hall of B. Harris Houston Jones of M. Keener Lawson Lee Morrisett Musgrove Norwood Oliver Ormond Porter Rains Rather Rhodes Sanders of L. Sanders of D. Scott Simmons Summers Taylor Walker and Ware.

Those who voted for mr Houston are messrs President Barclay Brown Hill Hogan McVay and Wilkinson—Representatives messrs Speaker Armbruster Beene Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fortson Gayle Harkins Hall of A. Hill of S. Jackson Johnson Jones of T. Massey McDavid Nabors Price Salter Webster M. D. Williams and T. Williams.

No one of the candidates having received a majority of the votes, the two houses proceeded to ballot a second time.

Those who voted for mr Lewis are, messrs Chapman Coopwood Guild Morton and Pickett.—Representatives, messrs Brown of M. Hallett Fleming Hill of H. Hollis Hopkins Hudson McRae Miree and Stewart.

Those who voted for mr Richardson are messrs Abercombie Anderson Ashe

Hemphill Irwin Lane Lyon Phillips Vining and Walthall.—Representatives, messrs Barron Bonham Bowin Brickell Brown of J. Dubose Ellis Gardner Hall of B. Harris Houston Jones of M. Keener Lawson Lee Morrisett Musgrove Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Sanders of L. Sanders of D. Scott Simmons Sumners Taylor Walker and Ware.

Those who voted for mr Houston are messrs President Barclay Brown Hill Hogan McVay and Wilkinson.—Representatives messrs Speaker Armbruster Beene Carithers Carmack Chamberlain Collier Creagh Davis Evans Farrar Fortson Gayle Harkins Hall of A. Hill of S. Jackson Johnson Jones of T. Massey McDavid Nabors Salter Webster M. D. Williams and T. Williams.

No one of the candidates having received a majority of the votes the two Houses proceeded to a third ballot.

Those who voted for mr Lewis are messrs Chapman, Coopwood, Guild, Morton, and Pickett—Reps. messrs Brown of M. Fleming, Hallett, Hill of H. Hollis, Hopkins, Hudson, Miree and Stewart

Those who voted for mr Richardson are, messrs Abercrombie, Anderson, Ashe, Brown, Hemphill Irwin, Lane, Lyon, Phillips Vining and Walthall.—Reps. messrs Barron, Bonham, Bowin, Brickell, Brown of J. Dubose, Ellis, Fortson, Gardner, Hall of B. Harris, Houston, Jones of M. Keener, Lawson, Lee, Morrisette, Musgrove, Norwood, Oliver, Ormond, Pegues, Porter, Price, Rains, Rather, Rhodes, Sanders of D. Sanders of L. Scott Simmons, Sumners, Taylor, Walker and Ware,

Those who voted for mr Houston are messrs President, Barclay, Hill, Hogan, McVay, and Wilkinson.—Reps. messrs Speaker, Ambrister, Beene, Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Evans, Farrar, Gayle, Harkins, Hall of A. Hill of S. Jackson, Johnson, Jones of T. Massey, McDavid McRae, Nabors, Salter, Webster, and T. Williams.

William Richardson having received a majority of the votes, mr Speaker therefore, declared him duly elected solicitor of the 4th judicial circuit.

The senate then withdrew and then the house adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 10, 1833.—Mr Hopkins from the judiciary committee, to which was referred the engrossed bill entitled an act, to organize the county of Coosa, reported the same as amended, by adding thereto a proviso by way of engrossed rider, which was adopted; mr Ware moved to amend it by way of engrossed rider, by adding thereto a proviso, which was adopted. The bill then being on its third reading, it was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the senate by mr Conner: Mr Speaker—The senate have passed bills of the following titles, viz: an act to amend the laws in relation to constables; and an act to authorize and require the encampment of the 33d regiment of the militia of this State, in the county of Madison, in which they ask the concurrence of the house of representatives.

Bills from the senate of the following titles, to wit: an act to amend the laws in relation to constables; and an act to authorize and require the encampment of the 33d regiment of the militia of this State, in the county of Madison, were severally read and ordered to a second reading.

Mr Hopkins from the judiciary committee, to which was referred the engrossed bill, entitled an act to permanently locate the seat of justice in the county of Taladega, reported the same as amended, by adding thereto a proviso by way of engrossed rider, which was adopted. The bill being on its third reading, it was then read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Musgrove made the following report: The committee on county boundaries, to which was referred the petition of sundry citizens of the county of St. Clair, praying for the formation and organization of one or more new counties in that part of the Cherokee nation of Indians attached to the county of St. Clair, have had the same under consideration, and have

instructed me to report that the prayer of the petitioners ought not to be granted at this time, as your committee are of the belief, that it would be unconstitutional and contrary to the true policy of the general government, in as much as said territory has not yet been ceded to the United States; your committee, therefore, ask leave to be discharged from the further consideration thereof, which was granted.

Mr Hopkins from the judiciary committee, to which was referred the bill from the senate, entitled an act for the relief of Benjamin Marshall, reported the same without amendment; it was ordered to a third reading.

The same committee, to which was referred a resolution that directed the committee to inquire into the expediency of authorizing a justice of the peace in any beat where there may be no captain to appoint patrols, reported a bill to be entitled an act, to provide further for the appointment of patrols, which was read and ordered to a second reading.

The same committee, to which was referred a resolution that directed the committee to inquire into the expediency of so amending that part of the constitution of the State, which renders the present location of the seat of government permanent, that it may be removed whenever justice and the good of the county may require it, reported that it is inexpedient to amend the constitution in that respect, in which report the house concurred.

The same committee, to which was referred a resolution that directed the committee to inquire into the expediency of so amending the law, for disposing of the lands appropriated for internal improvement, that the purchasers of such lands shall be entitled to patents if they require them, which shall include all the tracts they may have purchased, reported that no such amendment is necessary, as the existing law gives the right to any purchaser, to have all the tracts of land which he purchased of the State included in one patent; and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Jackson from the committee on the State Bank, to which was referred so much of the governor's message as relates to the branch banks at Montgomery, Mobile and Decatur, reported the same back to the house, and asked leave to be discharged from its further consideration, which was granted.

The same committee, to which was referred a resolution to inquire into the expediency of electing the cashier, teller and bank attorney of the banks of this State, by a joint vote of the general assembly, reported it inexpedient to legislate on that subject, in which report the house concurred.

The same committee, to which was referred the bill entitled an act, fixing the salaries of the president and officers of the branch of the bank of the State of Alabama at Decatur, reported sundry amendments, viz: fixing the salaries of the officers of said bank, which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, regulating the duty of the register of the land office at Courtland, reported that it is inexpedient to pass the bill; in which report the house concurred.

Mr Fleming made the following report: The military committee to which was referred the quarter master general's report for the year 1833, have had the same under consideration, and find from the remarks in said report, that part of the arms now in the arsenal are in bad order; those arms have been received from the corporation of Tuscaloosa, since the report of last year. The committee would recommend that a committee of three

persons be appointed by this house, to act with such committee as may be appointed by the senate to examine the arsenal, with leave to report by bill or otherwise; in which report the house concurred: whereupon, messrs Fleming, Farrar and Musgrove were appointed said committee. *Ordered*, that the clerk acquaint the senate therewith.

Mr Creagh from the committee on ways and means, to which was referred a resolution, instructing them to inquire into the expediency of reducing the State tax on nett cattle; and a bill on the same subject, reported that it is inexpedient to alter the law, in which report the house concurred.

Mr Beene presented the petition of sundry citizens of the town of Maplesville, in Bibb county, praying that a branch of the bank of the State of Alabama be located at Selma, in the county of Dallas, which was read and referred to the committee on the State Bank.

Mr Sanders of L. from the select committee, to which was referred the memorial from the senate to the congress of the United States, asking pre-emption rights in favor of actual settlers, reported an amendment which was adopted; it was ordered to a third reading.

Mr Brickell made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act making appropriations for printing, binding and delivering the digest of the laws of Alabama; and an act for the relief of Monroe county.

Mr Walker made the following report:

The joint committee of both houses of the general assembly appointed to examine the accounts, vouchers and books of the offices of the treasurer and comptroller of public accounts, ask leave to report, that they had performed the duty assigned them and that in discharge of their duty they first examined the books, vouchers and accounts from the 26th of November 1832 to the 27th of November 1833, the date of the last annual reports of the said officers, by comparing the vouchers in the comptroller's office with the law authorizing their payment, and by comparing them with the comptroller's books and with the warrants issued on said vouchers, which were found to agree: they also compared the books of the comptroller and treasurer, and the vouchers in the treasurers office with said books and found them to agree; the addition of the books in both offices were examined with great care and found to be correct; the books appear to have been kept in a most neat and careful manner and the vouchers to have been carefully and correctly numbered and filed; the cash in the treasury the credit of the revenue fund, was found to be fifty two thousand nine hundred and twelve dollars and twelve and one half cents, on the 26th of November last, which was evidenced to us by the amount that day on deposit in the bank of the State to the credit of the State treasurer; your committee consider it due to those officers to acknowledge the aid afforded to them in the progress of the examination, and the promptness and satisfaction with which every inquiry was answered by said officers; the same mode of examination was pursued with regard to the University fund up to the same period, and the balance to the credit of that fund was found to be \$5,750 47; they also found in the treasury to the credit of the seat of government fund \$503 81 and also find in the possession of the treasurer, a certificate of special deposit for \$135 in notes of the Fayetteville bank (Tennessee) being a part of the balance stated above to the credit of the revenue fund, all of which is respectfully submitted.

JAMES GUILD,

Chairman on the part of the Senate.

SAMUEL WALKER.

Chairman on the part of the H. of R.

Ordered, that said report lie on the table.

Mr Sanders of L. from the select committee, to whom was referred a resolution, directing them to draft a suitable memorial to the congress of the United States, asking pre-emption rights in favor of actual settlers upon public lands, and further to reduce the minimum price on the waste and refuse lands within this State, reported that the objects are fully embraced in a memorial now before the house; and asked leave to be discharged from the further consideration of the resolution, which was granted.

Mr Price introduced a bill to be entitled an act, for surveying and selling town lots in Livingston, in the county of Sumpter, which was read and ordered to a second reading.

On motion of Mr Hill of S. it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing election precincts at the houses of the following gentlemen, in Chambers county—one at the house of Webber, one at the house of William Vardeman, one at the house of Richard B. Coleman, one at the house of Ezekiel Henry, one at the house of Michael Hinkle and one at the house of William Morris; one at the house of Alfred Mahan in the county of Coosa; with leave to report by bill or otherwise.

Mr Carmack introduced a bill to be entitled an act to secure the payment of costs and to prevent malicious law suits in the county of Lauderdale, which was read the first time and the question being put; shall this bill be read a second time it was determined in the negative.

Mr Stewart introduced a bill to be entitled an act to establish a rail road therein named, which was read and ordered to a second reading.

Mr Ware introduced a bill to be entitled an act to amend the charter of the bank of the State of Alabama and its several branches, which was read and ordered to a second reading.

Mr Fortson offered the following preamble and resolution—Certain information having been received that it has pleased divine providence to deprive us of the services of the Honorable Walter N. Moffitt, late a representative from the county of Greene, who departed this life on Sunday the 5th inst. therefore *Resolved*, That we entertain a high respect for the character and services of the Honorable Walter N. Moffitt and that we feel a sincere regret for his death; *Resolved*, That as a testimony of our feelings occasioned by the death of the Honorable Walter N. Moffitt, the members of this house will wear the usual badge of mourning for the remainder of the present session of the general assembly, which resolution was adopted.

Mr Rhodes called up the report of the commissioners appointed to examine the bank at Decatur; it was referred to the committee on the State bank.

Mr Webster introduced a bill to be entitled an act, for the relief of Nancy C. Neely, which was read and ordered to a second reading.

Mr Jackson introduced a bill to be entitled an act to authorize a lottery for the improvement of the public square and streets, in the town of Florence, in the county of Lauderdale, which was read and ordered to a second reading.

Mr Lee called up the engrossed bill, entitled an act to alter the law in regard to a change of venue and for other purposes: Mr Lee moved that it be placed with the orders of the day, which was carried.

The house proceeded to the orders of the day: the engrossed bill entitled an act to repeal in part an act entitled an act to regulate the rate of interest, passed December 17, 1819; was read the third time, and the question being put; shall the bill pass, it was determined in the affirmative; yeas 57, nays 11.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Armbruster, Beene, Bonham, Bowin, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Davis, Ellis, Farrar, Fleming, Fortson, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hollis, Hopkins, Houston, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Massey, McDavid, McRae, Morrisett, Norwood, Oliver, Ormond, Pegues, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Scott, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Barron, Creagh, Dubose, Hill of S. Hudson, Lee, Miree, Musgrave, Nabors, Sanders of L. and Simmons.

So the bill passed; *Ordered*, that the title be as aforesaid; *Ordered*, that the same be sent to the senate for their concurrence.

The bill from the senate entitled an act to amend the law in relation to a change of venue, in criminal causes, was read a third time and passed: mr Beene, who voted in the majority on the passage of the bill, moved to reconsider the vote, which was carried: mr Jackson moved to postpone the further consideration of the bill till monday next; which was carried.

And then the house adjourned till to-morrow 10 o'clock.

Wednesday, December 11, 1833.—A message from the senate by mr Conner, mr Speaker—The senate have passed a bill entitled an act to add a part of the county of montgomery to the county of macon, in which they ask the concurrence of the house of representatives: they concur in the resolution of the house of representatives, to go into the election of a judge of the county court of St. Clair county, on Friday next, at half past three o'clock.

The bill from the senate entitled an act to add a part of the county of montgomery to the county of macon, was read and ordered to a second reading.

Mr Hill of S. presented the petition of sundry citizens of Talledega county, praying that William Easley be allowed extra pay for taking the census of said country which was read and referred to the committee on propositions and grievances to consider and report thereon.

M. T. Williams presented the petition of sundry citizens of Tuscaloosa county, praying that an election precinct be established at the house of John Springer, which was read and referred to the committee on privileges and elections.

Mr M. D. Williams presented the petition of Henry Pool, of Tuscaloosa county, praying the passage of a law authorizing him to cut the channel of the Black Warrior river, for the purpose of digging for coal, which was read and referred to the committee on inland navigation.

Mr Hopkins from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law making it penal to obstruct any of the rail roads which are now or may hereafter be established—reported a bill to be entitled an act to prevent injury to rail roads, which was read and ordered to a second reading.

Mr Norwood from the committee on divorce and allimony, to which was referred sundry records of divorce of decrees of the circuit courts of this State, exercising chancery jurisdiction: reported a bill to be entitled an act to divorce certain persons therein named, which was read and ordered to a second reading.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act to amend the different acts establishing a land office at Courtland, reported the following amendment "on payment of the money due thereon, with all costs which may have accrued" to come in at the end of the first section, which was adopted; the bill was ordered to be engrossed for a third reading.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act to provide for building a public jail and penitentiary House in this State, reported a substitute in lieu thereof, which was adopted: *Ordered*, that the further consideration thereof, be postponed till Monday next, and that one hundred copies be printed.

Mr Walker offered the following resolution, *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall, on Friday next, at half past 3 o'clock, P. M. for the purpose of electing a State treasurer and comptroller of public accounts: Mr Jackson moved the following amendment "and five Tennessee canal commissioners" which was adopted; the resolution as amended was then adopted: *Ordered*, that the clerk acquaint the senate therewith.

Mr Sumners from the select committee, to whom was referred a resolution instructing them to ascertain the amount due to the several census takers in this State—reported a bill to be entitled an act to compensate the several census takers for their services for the year 1833, which was read and ordered to a second reading.

Mr Lee offered the following resolution, *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall, to elect a judge of the second judicial circuit, at the hour of 12 o'clock on Thursday next: Mr Morrisett moved to amend the resolution by striking out the word "next" with a view to insert the word "nineteenth" so that the resolution will read Thursday the 19th inst., which was adopted: Mr Ormond moved further to amend it by inserting after the word "second" the word "sixth and seventh" so that it will read second, sixth and seventh judicial circuits, which was adopted: the resolution as amended was then adopted: *Ordered*, that the clerk acquaint the senate therewith.

On motion of Mr Ambrester, it was *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of attaching a part of St. Clair county to Jackson county, with leave to report by bill or otherwise.

On motion of Mr Bonham it was *Resolved*, That the military committee be instructed to inquire into the expediency of reviving and remodeling the militia laws of this State, with leave to report by bill or otherwise.

Mr Scott introduced a bill, to be entitled an act to provide for the further organization of the counties of Randolph, Benton, Chambers, Talladega, Coosa, Tallapoosa, Macon, Russell and Barbour, which was read and ordered to a second reading.

Mr Oliver introduced a bill to be entitled an act to authorize the building of a Court-house in Montgomery county, which was read and ordered to a second reading.

On motion of Mr Miree it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an additional election precinct at the mill house of Samuel Murray, in Perry county.

The house then proceeded to the consideration of the orders of the day.

Bills from the senate of the following titles, to wit: an act to provide for the payment of jurors in the county of Lawrence: an act to provide for the payment of the commissioners of the 16th section, in the county of Lawrence, were severally read the third time and passed: *Ordered*, that the titles be as aforesaid: *Ordered*, that the clerk acquaint the senate therewith.

Engrossed bills of the following titles, to wit: an act regulating the mode of taking constables bonds; and an act to repeal an act entitled an

act to amend the several acts relating to the 16th sections, were severally read the third time and passed: *Ordered*, that the titles be as aforesaid, *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill entitled an act to amend the laws and to make further provisions for the support of the poor, in the several counties in this State, was read the third time. mr Hall of A. moved that the farther consideration of the bill be postponed until Monday next, which was lost. mr Rather then moved the previous question; the question was first put—shall the call for the previous question be sustained, which was passed in the affirmative. The main question was then put, viz—shall this bill pass, and determined in the affirmative. Yeas 65, nays 5.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Ambrester, Barron, Beene, Bonham, Bowin, Brickell, Brown of I. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Dubose, Ellis, Evans, Farrar, Fleming, Fortson, Gardner, Gayle, Harkins, Hallett, Harris, Hill of H. and D. Hill of S. Hollis, Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Massey, McDavid, McRea, Miree, Morrisett, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Porter, Raines, Rather, Rhodes, Safer, Sanders of D. Sanders of L. Scott, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Hall of A. Hall of B. Lee, McDavid and Simmons. So the bill passed.

Ordered, that the title be as aforesaid: *Ordered*, that the same be sent to the senate for their concurrence.

The memorial to the Congress of the United States was read the second time. mr Beene moved to refer it to a select committee, which was lost; it was ordered to be engrossed for a third reading.

Bills of the following titles, to wit; an act for the relief of the captain of perseverance fire engine company No. 1, of the city of Mobile: an act to repeal the 3d, 4th and 5th sections of an act in relation to a road leading from D. Lewis', in originally Pike county, but now Barbour county; approved 20th January, 1830, and also the entire act upon the same subject, and in relation to the same road approved, 4th January, 1832; an act to authorize William Hollinger to keep a toll bridge; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Franklin, to levy a county tax; an act to change the times of holding the county courts of Marion county; an act to fix the number of jurors to be drawn for the circuit court of Jefferson county, and for other purposes: an act to secure the payment of tales jurors in the county herein named; an act to repeal an act approved on the 2d January, 1833; requiring the judge of the county court of Covington and Blount counties, to reside within five miles of the county site; were severally read a second time and ordered to be engrossed for a third reading.

The bill entitled an act for the relief of John Mangon was read the second time and referred to the committee on roads, bridges and ferries.

The bill entitled an act to exempt non slave holders in madison county, from patrol duty, was read the second time; mr Hopkins moved that the further consideration of the bill be postponed until Saturday next, which was carried.

The bill entitled an act requiring justices of the peace to give security; was read the second time; mr Porter moved the previous question, and the question was, shall the call be sustained and carried; the main question was then put, viz, shall this bill be engrossed and read the third time; it was passed in the affirmative.

The bill entitled an act to further provide for the payment of grand and petit jurors, in the county of Shelby, was read the second time: mr Mas-

They moved to amend the bill by adding the counties of St. Clair and Barbour, after Shelby, which was adopted; the bill was ordered to be engrossed for a third reading.

The bill entitled an act to dispose of the old digest, was read the second time and referred to the committee on propositions and grievances.

A message from the senate by mr Conner their secretary, mr Speaker—The senate have adopted the following resolution, *Resolved*: That with the concurrence of the house of representatives, the two houses will assemble in the representative hall, at the hour of 12 o'clock on to-morrow, Tuesday the 12th inst. for the purpose of electing a comptroller of public accounts, a State treasurer and a State printer, in which they ask the concurrence of the house of representatives. Mr Jackson moved that the resolution lie on the table, which was lost; mr Jackson then moved to amend it by adding "five Tennessee canal commissioners," which was adopted—the resolution as amended was then adopted: *Ordered*, that the clerk acquaint the senate therewith.

A message was received from the governor by James I. Thornton: mr Speaker—The governor did on the 6th inst. approve and sign an act to compensate the commissioners of roads and revenue, in the county therein named; and on the 7th inst. an act to authorize the commissioners court of the county of Lauderdale, to levy an additional amount of county taxes, for purposes therein named; an act permanently to locate the seat of justice in Dallas county, and erect public buildings; and on the 9th inst., an act to incorporate the town of Oakville, in the county of Lawrence; an act to repeal an act entitled an act allowing the tax collector of Covington county, twenty-five per centum on the amount of county taxes of said county, passed on the 29th of December, 1832, all of which originated in the house of representatives.

Bills of the following titles, to wit: an act regulating the duty of the receiver of the land office at Courtland; an act to repeal in part an act therein named; and an act to amend an act entitled an act to regulate the landing of goods by steam boats and barges, and for other purposes, were severally read the second time and referred to the judiciary committee to consider and report thereon.

The bill entitled an act to amend the road laws within the county of Mobile, and for other purposes, was read the second time and referred to a select committee, consisting of messrs Hallett, Chamberlain and Rather.

The bill entitled an act providing additional compensation for the judge of the county court of Baldwin county which was read and referred to a select committee, to consist of messrs Chamberlain, Hall of B. and Morrisett.

A message from the senate by mr Conner their secretary: mr Speaker—The senate concur in the resolution from the house of representatives, proposing to go into the election of a president and twelve directors of the branch of the bank of the State of Alabama, at Montgomery, and have amended the same by striking out the words "the 3d inst. at 3 o'clock" and insert in lieu thereof "this day at 3'clock;" in which they ask the concurrence of the house of representatives: the senate concur in the amendment of the house of representatives, to their resolution to elect a comptroller, treasurer and State printer, by adding five Tennessee canal commissioners: *Ordered*, that the house disagree to the amendments made by the senate, to the resolution proposing to go into the election of a president and directors of the bank at Montgomery: *Ordered*, that the clerk acquaint the senate therewith.

The bill entitled an act to improve the mail stage road through Baldwin county, was read the second time and referred to the committee on inland navigation.

And then the house adjourned till to-morrow 10 o'clock.

Thursday, December 12, 1833.—George Mason, a representative from the county of Madison, appeared, was qualified and took his seat.

A message was received from the senate by Mr Conner: Mr Speaker—The senate have rejected a bill from the house of representatives, entitled an act further to provide for the probate of deeds and relinquishment of dower in this State; they have passed bills which originated in the house of representatives of the following titles: an act to authorize the commanding officers of the 25th regiment of the Alabama militia, to form a company beat with a less number of privates than forty, in the county of Henry; an act to amend an act approved the 24th December, 1824, to establish a certain road therein named; an act authorizing the appointment of an overseer of the roads of the town of Russellville and for other purposes; an act to repeal an act passed on the 12th day of January, 1833, entitled an act to compensate patrols for their services in the county of Madison; an act to revive and continue in force an act to incorporate the town of Selma in the county of Dallas, passed 4th December, 1830; and an act concerning escheats.

Mr Speaker laid before the house the record and proceedings of the circuit court of Perry county, exercising jurisdiction in chancery in the case of Rebecca V. Oneal against Williamson Oneal, for divorce, which was read and referred to the committee on divorce and alimony.

Mr Sanders of D. called up the bill entitled an act to repeal an act therein mentioned; the bill was read the second time and referred to the committee on roads bridges and ferries, with the accompanying documents, presented by messrs Sanders of Dallas and Gayle.

On motion of Mr Walker, *Ordered*, that Mr Gardner be added to the select committee appointed on the bill entitled an act to repeal in part and amend the laws now in force in this State, relating to the apportionment of hands to work on public roads.

Mr Hopkins from the judiciary committee, to which was referred a resolution that directed the committee to inquire whether the laws that prohibited negro slaves from hiring their own time, and others from trading with them, cannot be so amended as to be made more effectual; reported that the laws to which the resolution refers need no amendment; in which report the house concurred.

Mr Morrisett from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of St. Clair county, praying the passage of a law authorizing plaintiff's to prove by their own oaths; accounts for a greater sum than twenty dollars, reported that it is inexpedient to grant the prayer of the petitioners; in which report the house concurred.

The same committee, to whom was referred the bill entitled an act for relief of William Martin, late assessor and collector of the county of Dale; reported that said William Martin is justly entitled to the relief sought for in the bill, and recommend its passage: the bill was ordered to be engrossed for a third reading.

The same committee, to whom was referred the petition of Atmos Ives; reported that in the opinion of the committee the courts are fully competent to grant the relief of the petitioner, and that it is inexpedient to legislate on the subject, in which report the house concurred.

Mr Hopkins from the judiciary committee, to which was referred a resolution that directed the committee to inquire into the expediency of defining more particularly the liability of the securities of executors, administrators and guardians; reported that the liability of such securities is ascertained by the law as it exists; in which report the house concurred.

The same committee, to which was referred the bill entitled an act to amend an act entitled an act to incorporate the Tusculumbia, Courtland and Decatur rail road company; reported that it is the object of the 3rd section of the bill to transfer the property in a street in the town of Decatur to the rail road company, which the legislature has no power to do, and that the committee amended the bill by striking out the 3rd section; in which amendment the house concurred; the bill was ordered to be engrossed for a third reading.

Mr Carithers presented the petition of sundry militia officers praying an alteration in the militia laws of this State, which was read and referred to the military committee.

Mr Hudson from the select committee, to whom was referred the petition of William Alsobrook and others, reported a bill to be entitled an act for the relief of the purchasers of the University lands, which was read and ordered to a second reading.

Mr Houston from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Talladega county, reported that it is inexpedient to grant the prayer of the petitioners, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Jackson from the select committee, to whom was referred the petition of the citizens of Lauderdale county; reported a bill to be entitled an act to incorporate the Alabama and Tennessee rail road company, which was read and ordered to a second reading.

Mr Norwood from the select committee, to which was referred the bill entitled an act providing a more summary mode for the trial of persons charged with the commission of affrays, and assaults and batteries, reported the same without amendment; the bill was referred to the judiciary committee.

Mr Scott from the select committee, to whom was referred the bill entitled an act to incorporate the Montgomery rail road company; reported an amendment by adding a proviso at the end of the second section, which was adopted: the bill was ordered to be engrossed for a third reading.

On motion of Mr Fleming, it was *Resolved*, That the judiciary committee be instructed to inquire whether or not clerks of the county courts are authorized to take acknowledgement and relinquishment of dower to deeds to be recorded in other counties than the one where the clerk lives, with leave to report by bill or otherwise.

On motion of Mr Hall of B. it was *Resolved*, That the several reports from the branch bank at Montgomery, Mobile and the bank of the State of Alabama, together with the report of the examining committee, be taken from the table and referred to the committee on the State bank.

On motion of M. D. Williams, it was *Resolved*, That with the concurrence of the senate, the two houses will assemble in the hall of the house of representatives on Friday the 13th inst. at half past 3 o'clock P. M. for the purpose of electing a judge for the county court of Walker.

Mr Bonham introduced a bill to be entitled an act for the relief of the commissioners of public buildings in the county of Wilcox; which was read and ordered to a second reading.

Mr Scott introduced a bill to be entitled an act in relation to the town of Lowndesborough in the county of Lowndes, which was read and ordered to a second reading.

A message was received from the senate by mr Conner their secretary: mr Speaker—The senate concur in the resolution of the house of representatives proposing to go into the election of judges of the second, sixth and seventh judicial circuits on Thursday 12 o'clock, on the 19th inst. and have amended the same by striking out the word "seventh," in which they ask the concurrence of the house of representatives. Mr Brickell moved that the message lie on the table, which was lost: *Ordered*, that the house disagree to the amendment made by the senate to said resolution: *Ordered*, that the clerk acquaint the senate therewith.

Mr Sanders of L. offered the following preamble and resolution—whereas, by our present imperfect and confused military code, it is found to be wholly impracticable to get full and complete returns of the strength of the militia of this State, in consequence of which the State annually sustains a considerable loss in not receiving her full quota of public arms from the general government, according to an act of Congress, &c.; therefore *Resolved*, That the military committee be instructed to inquire into the expediency of so altering the military laws as will make it the duty of the assessors and tax collectors of each and every county in this State to take a list of all persons liable to do military duty within their respective counties, and make a supplemental return of the aggregate number to the office of the secretary of State, so that the adjutant and inspector general may be enabled to make out a full return of the strength of the militia of the State to the war department, and that they have leave to report by bill or otherwise; which was adopted.

Mr Oliver introduced a bill to be entitled an act supplemental to an act entitled an act to amend an act to incorporate the town of Montgomery, approved January 15th, 1828; which was read and ordered to a second reading.

On motion of mr Brickell it was *Resolved*, That the senate be informed that the house of representatives are now ready to receive them in their hall for the purpose of going into the election of a State treasurer, comptroller of public accounts, State printer and five Tennessee canal commissioners: *Ordered*, that the clerk acquaint the senate therewith.

Mr Hudson offered the following resolution, *Resolved*, That with the consent of the senate both houses of the general assembly will on Thursday next, at the hour of 3 o'clock p. m. assemble in the representative hall for the purpose of electing sixteen trustees of the University of the State of Alabama.

The senate having repaired to the hall of the house of representatives and taken their seats, the two houses then proceeded to the election of a State treasurer, Hardin Perkins and Dennis Dent being in nomination.

Those who voted for mr Perkins are messrs President Abercrombie Ashe Barclay Brown Chapman Coopwood Hemphill Hill Irwin Lane Lyon McVay Morton Phillips Walthall—Representatives messrs Speaker Barron Bonham Bowen Brickell Brown of M. Chamberlain Creagh Dubose Fleming Fortson Gardner Harkins Hall of B. Harris Hill of H. Hollis Hopkins Horton Houston Hudson Jackson Johnson Keener Lee Mason McRae Miree Nabors Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Stewart Taylor Walker Ware and Webster.

Those who voted for mr Dent are messrs Guild Hogan Vining and Wilkinson—Representatives Armbruster Beene Brown of J. Carithers Carmack Collier Davis Ellis Evans Gayle Hall of A. Hallett Hill of S. Jones of M. Jones of T. Lawson Massey McDavid Morrisett Musgrove Norwood Rains Simmons Summers M. D. Williams and T. Williams.

Mr Perkins having the majority of all the votes given, mr Speaker declared him duly elected treasurer of the State of Alabama, for the ensuing twelve months.

The two houses then proceeded to the election of a comptroller of public accounts, George W. Crabb and Thomas J. Abbott being in nomination.

Those who voted for mr Crabb are, messrs President Abercrombie Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon McVay Merton Phillips Vining and Walthall—Representatives messrs Speaker Barron Beene Bonham Bowen Brown of J. Brown of M. Carithers Carmack Davis Dubose Fleming Fortson Gardner Harkins Hall of B. Hallett Harris Hill of H. Hill of S. Hollis Horton Houston Hudson Jackson Johnson Keener Lawson Lee Massey Mason McDavid McRae Mirce Musgrove Nabors Oliver Pegues Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

Those who voted for mr Abbott are, messrs Hogan and Wilkinson—Representatives, messrs Abercrombie Brickell Chamberlain Collier Creagh Ellis Evans Gayle Hall of A. Hopkins Jones of M. Jones of T. Morrisett Norwood Ormond Rains and Webster,

Mr Crabb having a majority of all the votes given, mr Speaker declared him duly elected Comptroller of public accounts for the ensuing twelve months.

The two houses then proceeded to the election of State printer, May & Ferguson and Wesley McGuire being in nomination—For May & Ferguson 55, Wesley McGuire 56.

Those who voted for May & Ferguson are, messrs President Ashe Barclay, Brown, Guild, Hogan, Lyon, McVay, Merton, Pickett, Vining, and Wilkinson.—Representatives, messrs Armbrester, Beene Brown of J. Carmack, Chamberlain, Collier, Creagh, Ellis, Evans, Fleming, Gayle, Hall of A. Hallett, Harris, Hill, of H. & D. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones, of M. Jones, of T. Lawson, Mason, McDavid, McRae, Morrisette, Musgrove, Norwood, Ormond, Porter, Price, Rains, Rhodes, Sanders of L. Stewart, Sumners, Taylor, Walker, Webster, M. D. Williams, and T. Williams.

Those who voted for mr McGuire are, messrs Abercrombie, Chapman, Coopwood, Hemphill, Hill Irwin Lane Phillips and Walthall—Representatives Messrs Speaker Barron, Bonham, Bowen, Brickell, Brown of M. Carithers, Davis, Dubose, Gardner, Harkins, Hall of B. Hill of S. Hollis, Keener, Lee, Massey, Mirce, Nabors, Oliver Pegues, Rather, Salter, Sanders of D., Scott, Simmons, and Ware.

May and Ferguson having received a majority of votes given, mr Speaker declared them duly elected State printers.

The two houses then proceeded to the election of five Tennessee canal commissioners; Thomas Fearn, D. Coleman, John Craig, J. K. Swoope and Isaac Lane being in nomination,

Those who voted for them are, messrs President Abercrombie Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon McVay Phillips Pickett Vining and Wilkinson.—Reps. messrs Speaker Armbrester Beene Bonham Bowen Brickell Brown of J. Carithers Carmack Chamberlain Collier Creagh Davis Ellis Evans Fleming Gayle Harkins Hall of B. Hallett Harris Hill of H. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid McRae Mirce Musgrove Nabors Norwood Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of L. Scott Simmons Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Messrs Thomas Fearn, Daniel Coleman, John Craig, Isaac Lane and Jacob Swoope, having received all the votes given; mr Speaker declared them duly elected Tennessee canal commissioners.

The senate then withdrew.

And then the house adjourned till to-morrow 10 o'clock.

Friday, December 13, 1833.—A message was received from the senate by mr Conner: mr Speaker—The senate have passed bills which originated in the house of representatives, of the following titles: an act per-

manently to locate the seat of justice of Talladega county, which they have amended as herewith shown; an act to incorporate the manual labor institute in Perry county; an act specifying the distance of residence from the seat of justice, that the judge of the county court of St. Clair county may reside; an act to continue in force an act, entitled an act to establish a public road from the house of John Gundy in Morgan county, to Baltimore or Morgan's springs in Blount county, passed December 23, 1822; also a bill to be entitled an act to continue in force an act, entitled an act to establish a public road from near Baltimore in Blount county, to where it intersects the Blountsville road to Tuscaloosa, near the town of Elyton in Jefferson county, passed December 9, 1823.

The senate have passed bills of the following titles: an act to authorize the bank of the State of Alabama and its several branches to issue post notes; an act to amend the charter of the branch of the bank of the State of Alabama at mobile, and also the bank of mobile. They have adopted the following resolution: *Resolved*, that with the concurrence of the house of representatives, the two houses will assemble in the representative hall on Thursday next at 3 o'clock, p. m. for the purpose of electing trustees of the University of Alabama, in all of which the concurrence of the house of representatives is asked. The senate have rejected a bill from the house of representatives, entitled an act authorizing the entry of certain lands at the land office at Courtland.

Ordered, that messrs Davis and Fortson have leave of absence until Monday next.

Ordered, that mr Hollis have leave of absence until Tuesday next.

Ordered, that the house concur in the amendments made by the senate to the bill entitled an act, to permanently locate the seat of justice in the county of Talladega, by striking out the word "free," to insert the word "house," so that it will read house holder instead of free holder. *Ordered*, that the clerk acquaint the senate therewith.

Bills from the senate of the following titles, to wit: an act to authorize the bank of the State of Alabama, and its several branches to issue post-notes; an act to amend the charter of the branch of the bank of the State of Alabama at mobile; and also the band of mobile, were severally read and ordered to a second reading.

The house took into consideration the resolution from the senate, proposing to go into the election of Trustees of the University; mr Ormond moved that the resolution lie on the table, which was lost. The question was then to concur, and carried.—Yeas 33, nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Ambrester, Barron, Beene, Bowin, Brown of J. Carithers, Chamberlain, Dubose, Ellis, Gayle, Hallett, Hill of H. Hill of S. Horton, Hudson, Johnson, Keener, Lawson, Lee, Massey, McRae, Mirce, Musgrove, Nabors, Norwood, Oliver, Pegues, Sanders of L. Summers, Taylor, Walker, Ware and T. Williams.

Those who voted in the negative, are messrs Speaker, Bonham, Brickell, Carmack, Collier, Creagh, Fleming, Gardner, Harkins, Hall of A. Harris, Hopkins, Houston, Jackson, Jones of M. Jones of T. Mason, McDavid, Morrisette, Ormond, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Scott, Simmons, Stewart, Webster and M. D. Williams.

Mr Speaker laid before the house the record and proceedings of the circuit court of Lauderdale county, exercising jurisdiction in chancery, in the case of Racheal Briggs against Thomas P. G. Briggs for divorce; also, the record and proceedings of the circuit court of Lawrence county, in the case of John Garrison against Susan Garrison for divorce; they were severally read and referred to the committee on divorce and alimony.

Mr Jackson presented the petition of Solomon Evans, a citizen of Lay;

derdale county, asking permission to relinquish to the State of Alabama, a certain tract of land therein named, and re-enter one other tract in lieu thereof, which was read and referred to the committee on propositions and grievances.

Mr Speaker laid before the house, a communication from the secretary of State, containing a supplemental return of the census of mobile county; mr Hallett moved that the said documents be referred to the committee on apportionment, which was lost; mr Hallett then moved that the documents be referred to the judiciary committee, which was carried.

Mr Hall of B. from the committee on roads, bridges and ferries, to whom was referred the bill entitled an act, for the relief of John Morgan, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

The same committee, to whom was referred the bill entitled an act, to reduce the number of days that hands shall be liable to work on public roads and for other purposes, reported that it was inexpedient to pass the bill; and asked leave to be discharged; mr Musgrove moved that the report lie on the table, which was carried.

Mr Creagh from the committee on ways and means, to whom was referred a resolution, instructing them to inquire into the expediency of altering the mode of appointing assessors, reported a bill to be entitled an act, prescribing the mode of appointing assessors and tax collectors, which was read and ordered to a second reading.

Mr Hill of S. presented the account of Adam Stedham, which was read and referred to the committee on accounts.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, to repeal in part, an act therein named, reported the same without amendment. It was ordered to be engrossed for a third reading.

The same committee, to which was referred a resolution instructing said committee, to inquire into the expediency of so amending the laws of this State, as more fully to define the length of time a constable shall serve a warrant or other process issued by a justice of the peace before the return thereof, reported a bill to be entitled an act, more fully to define the time of executing process issued by a justice of the peace in civil suits, which was read and ordered to a second reading.

The same committee, to which was referred the bill entitled an act, to repeal the 13th section of an act, entitled an act, concerning attachments, approved January 12, 1833, reported a substitute in lieu thereof, which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Brickell made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to amend an act, approved 24th December, 1824, to establish a certain road therein named; an act to repeal an act, passed on the 12th of January, 1833, entitled an act to compensate patrols for their services in the county of madison; an act to authorize the commanding officers of the 25th regiment Alabama militia, to form a company beat with a less number of privates than forty in the county of Henry; an act to revive and continue in force, an act to incorporate the town of Selma, in the county of Dallas, passed December 4, 1820; an act concerning escheats; an act authorizing the appointment of an overseer of the roads of the town of Russelville and for other purposes.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, to amend an act to regulate the landing of goods from

steam boats and barges and for other purposes, reported that the object of the bill is provided for by the existing law, and that it is inexpedient to pass the same; in which report the house concurred.

The same committee, to which was referred the bill entitled an act, to provide for compensation to persons whose timber or other materials have been employed for the use of public roads, and for the trial of defaulting overseers, reported that it is inexpedient to pass the bill; in which report the house concurred.

The same committee, to which was referred the bill entitled an act, regulating the duty of the receiver of the land office at Courtland, reported that it is inexpedient to pass the bill; in which report the house concurred; yeas 57, nays 8.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Barron Beene Boham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Dubose Ellis Farrar Fleming Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Jackson Johnson Jones of M. Jones of T. Lee Massey McDavid Miree Morrisett Musgrove Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Sumners Walker Webster and M. D. Williams.

Those who voted in the negative, are messrs Horton Houston Hudson Lawson McRae Stewart Taylor and Ware.

A message was received from the governor by James I. Thornton, which is as follows:

I have the honor to inform the general assembly, that the office of judge of the county court of Dallas county, is now vacant by the resignation of judge Clayton. It will devolve on the legislature to elect judges of the county courts of Randolph and Macon counties at its present session, as their offices became vacant during the recess of the general assembly, by the resignation of the persons appointed at their last session. Those vacancies have been filled by temporary appointments, which will continue until the end of the session. Signed, JOHN GAYLE.

Ordered, that said message lie on the table.

Mr Lawson made the following report: The select committee to which was referred, that part of the governor's message which relates to a bill passed by congress at its last session, in relation to the disposition of the nett proceeds arising from the sales of the public lands, have had the same under consideration, and have instructed me to make the following report:

To the senate and house of representatives of the United States in congress assembled:

The general assembly of the State of Alabama, solemnly impressed with the magnitude of the subject, with becoming deference and respect for the general government, but with the sincerity of a free people, cannot in duty to themselves, the people they represent, and a desire for the continuance of the Union of the States, avoid an expression of their decided disapprobation of a bill that passed both branches of your honorable body at its last session, which had for its object a division of the nett proceeds arising from the sales of the public lands among the different States, in proportion to their respective representation in congress.

This general assembly views such a measure as not only subversive of the spirit of the constitution, but as wholly impolitic and inexpedient. For if you once establish the policy of dividing the revenue as contemplated by the bill referred to, giving to each State a definite interest in the value of the public lands, will you not place it at once in their power to hold up those lands at high prices, and by that means prevent the sale and settlement of them. And what rule of reasoning could suggest itself to the mind of any person, that would convince them, that the lands could not be divided out among the several States in the same ratio as was contemplated by the bill to which your memorialists allude. Suppose this position to be put in practice, is it not obvious to every one, that any and all the States in the union might become land holders, and tenants in common in the State of Alabama; we cannot believe for a moment that the framers of the constitution ever contemplated such powers could possibly be contended for, and we would ask if there is any express or implied authority in the constitution for the exercise of such powers. Your memorialists believe not, and deny that any act of congress can make it legal for any other State in

the owner separately to hold title, or exercise ownership over any of the lands within the chartered limits of this State; yet this state of things would exist if this course of policy was pursued.

The dangerous collisions into which this course of policy would bring the old and new States, need not be urged, by your memorialists: for it must be sufficiently apparent to forbid the policy of such a measure, recent events most plainly demonstrate the danger apprehended by your memorialists. Expediency then does not require it, but on the contrary, forbid its adoption. "For the wealth of the people is the wealth of the nation," and no reliance is to be set on - and so - safe in the hour of danger are difficulties, as the independent yeomanry of the country. Then to make them independent, reduce the price of your public lands, encourage emigration, and increase your free holders; all this done, and you are not the poorer, and many of the independent of your countrymen will be made prosperous, industrious and firmly devoted to the Government, labouring in the vineyard of the common good of all, improving the interest of the public domain as part of the wealth of the nation, and prepared to defend it when necessary should make the call. For the reasons assigned - and many more - that it is not necessary to mention, your memorialists solemnly remonstrate against the passage of any law having for its object the division of the net proceeds arising from the sales of the public lands among the States, upon any terms or proportions whatsoever.

Resolved, That our senators in Congress be instructed, and our representatives requested, to use every exertion to prevent the passage of any law, having for its object the division of the net proceeds arising from the sales thereof, in any proportions whatever among the States.

Resolved, That the governor be requested to forward to each of our members of Congress, a copy of the foregoing memorial and remonstrance, to be laid before their respective houses.

Ord. read, that said report lie on the table, and that one hundred copies be printed for the use of the house.

The same committee, reported a memorial to the congress of the United States on the subject of the public lands, which was read the first time.

Mr M. D. Vail thus made the following report: The committee on education, to which was referred a bill for the establishment of a corporation, to be known as the Trustees of the University of Alabama, and for other purposes, have the honor to report, that under consideration, and have instructed me to report, by an act of the Legislature of this State, the Trustees of the University of Alabama have been incorporated and made a body corporate and politic in deed and in law, and by that name they and their successors shall have perpetual succession, and to be able and equal in law to buy and receive any lands and tenements in fee simple, which may be granted to them for the purpose of promoting the interest of the University. That the donation of lands to this State by the Congress of the United States for a seminary of learning, has been vested in the Trustees of the University and their successors in fee simple, by an act of the Legislature of the State of Alabama, and the powers which have resided over the lands thus donated are made to the Trustees of the University, and the title to the same is legally vested in them as a corporate body. The committee, therefore, are of opinion that the Legislature have no right to pass any law for the division of the title to lands which have been vested in the Trustees of the University of Alabama. That the railroad company should make application to the board of trustees, for the relief contemplated by the provisions of this bill, and are of opinion that it ought not to pass. Ord. read, that said report lie on the table.

Mr Jackson made the following report: The special committee, to whom was referred some of the messages of his excellency the governor, as relates to the act of Congress of the 2d March 1852, to amend the act of the 11th of July, 1846, and all other acts imposing duties on imports, have instructed me to make the following report: The manufacturing and vest grew up under the policy and laws of the United States, and the largest share of it is held in a part of the country which was most exposed to the protection system when it was adopted. The manufacturers of this section, recommended their parents to buy of which they did not approve when they were acted: they deemed a policy pernicious to which its supporters were attached, and that there was more than any others carried into effect. The operation of the system convinced many who had been its advocates, that it was productive of great injury to the planting States of the Union, and evoked a general desire for its abolition to pervade these States; acting upon this conviction, the States urged the modification of the tariff laws, with the view of making them the source of revenue only, and denied the power of the general government to frame them with the purpose of affording protection to domestic manufactures.

The failure of their efforts to obtain the modification they desired, caused a state of excited feeling, which a sense of long continued injustice generally produced. The manufacturing States maintained the constitutionality of the law, and the correctness of the policy upon which they were founded. They not only denied that the interest of any State was injured, but affirmed that the prosperity of all was promoted and secured by the system. Two things were certain, the whole North believed she was oppressed by the system, and the manufacturing States did not doubt that the effect of a sudden and entire overthrow of it, would be to impair the prosperity of the whole States, and reduce many individuals to bankruptcy. A large capital belonging to the latter was invested in manufactures, and much of it in heretofore of them, which without protection could not exist. If the protection they had enjoyed, had been suddenly withdrawn, much of the

capital that had been expended in their establishment would have been lost. The operatives who had been their inmates, would have been turned out in crowds upon the world to seek employment from a diminished demand for labor, and the owners of capital invested under the encouragement of one law, and destroyed by the operation of another, could have ascribed with justice, the decline of their fortunes to a policy pursued no longer, that was sufficient to do injury to many and overwhelm some in ruin. If the people who felt the burthens of the tariff, had demanded relief instantaneous and complete, the demand would have been met by a stern refusal. What the consequences of such an issue would be, no one can foresee. A patriot would deplore any that are probable. The struggle would be in a great degree, sectional in its character, and there is scarcely a prospect that either party, would acquiesce in the decision of the other. On which ever side of the question the minority might be, it would be powerful for its intelligence, its wealth and its numbers; and if it forbore to throw off immediately, submissions to the power of the union, its obedience would be reluctant—yielded to laws which its judgment would condemn unjust and oppressive. The offspring of a government, it deemed to be the source of wrongs greater than the benefits. What would be the duration of such obedience, with at any claim which either the head or the heart acknowledged? It is needless to predict, if force were not immediately employed to settle truths that reasoning could not ascertain satisfactorily, men are not that they have been and appear now to be.

The belief that this fearful issue and its consequences were near, gave energy and activity to the love of the union which averted them. Patriotism demanded of theories, a relinquishment of something to conciliation: it was made, and the act of congress of the 2d March, 1833, to modify the act of 11th July, 1832, and all other acts imposing duties on imports was the result.

That act restored harmony to an agitated country, and dispelled all apprehension for her safety; it was another fruit of that fraternal feeling and spirit of compromise, of which the constitution of the United States was the first.

The South did not desire relief from injury founded upon injury to any State. She did not require that the capital and labor employed in manufactures should be withdrawn at once, which would have rendered it impossible to find profitable channels for either. She was willing to bear the burthens until they could be gradually removed, and with the least risk of injury to the manufacturing States from a change of their pursuits.

The act of congress of March, 1833, is upon its face, a compromise of conflicting interests. The manufacturing States, in consideration of the time allowed by the act, to enable them to avoid injury from a change of policy, agreed that the revenues after the 31st June, 1834, should be regulated by the principle for which the South had contended. A principle which will make the sum that may be necessary for an economical administration of the government—the standard for the whole amount of duties.

In a country so extensive as our own, the interests of parts of which it consists, will be sometimes opposed when such collisions arise, they should be settled by an equitable compromise, and any violation of an adjustment made upon this principle, would either render a future one hopeless, or diminish greatly the prospect of making it. The necessity of preserving a principle without the influence of which, the union itself would not have been formed and cannot be perpetuated, demands of every patriot, an inviolable observance of any arrangement founded upon it.

Be it therefore resolved by the Senate and House of Representatives of the State of Missouri in their next Assembly convened, That the aforesaid act of congress of the 2d of March, 1833, has the approbation of this generally assembly.

Be it further Resolved, That his excellency the governor be, and he is hereby requested to transmit one copy of the foregoing report and resolution to each of the governors of our sister States, and one to each of our senators and representatives in congress.

The same committee reported a resolution on the subject of the tariff laws, which was read and ordered to a second reading.

On motion of Mr Rather, it was *Resolved*, That with the concurrence of the senate; the two houses will assemble in the representative hall on to-day, at the hour of half past 9 o'clock, for the purpose of electing a judge of the county court of Morgan county. *Ordered*, that the clerk acquaint the senate therewith.

Mr Bonham presented the Account of Jeremiah Jones; Mr Hall, also presented the accounts of sundry persons; they were severally read and referred to the committee on accounts.

Mr Hill of H. from the select committee, to whom was referred the petition of sundry citizens of the county of Henry, reported a bill to be entitled an act, to locate the seat of justice for the county of Henry, which was read and ordered to a second reading.

Mr Ormond introduced a bill to be entitled an act, more effectually to prevent trespasses on real estate, which was read and ordered to a second reading.

Mr Morrisett introduced a bill to be entitled an act, appropriating the money arising from the sale of lots to the use of public buildings in Monroe county, which was read and ordered to a second reading.

Mr Fleming introduced a bill to be entitled an act supplemental to an act,

authorizing a lottery for the improvement of a road therein named, passed the 17th of December, 1832, which was read and ordered to a second reading.

Mr Scott introduced a bill to be entitled an act, to authorize Peyton Bibb to erect a wharf on the Alabama river, at a place therein named, which was read and ordered to a second reading.

Mr Horton introduced a bill to be entitled an act, to protect the Creek Indians in their reservations, which was read the first time, and the constitutional provision being dispensed with, it was read the second time forthwith and referred to the judiciary committee.

Mr Hill of H. introduced a bill to be entitled an act, to change the time of holding the county courts of certain counties therein named, which was read and ordered to a second reading.

And then the house adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—Mr Nabors introduced a bill to be entitled an act, for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county, which was read and ordered to a second reading.

A message from the senate by mr Conner, their secretary: mr Speaker: The senate concur in the resolution of the house of representatives, proposing to go into the election of a judge of the county court of Walker county, on the 13th instant at half past 3 o'clock. They also concur in the resolution to go into the election of a judge of the county court of Morgan county at the same hour. The senate recede from their amendment to the resolution from the house of representatives, proposing to go into the election of judges of the second, sixth and seventh circuits.

Mr Carithers called up the bill entitled an act now in force, as confining the collection of debts before a justice of the peace in the beat where the contract was made. It was placed among the orders of the day.

Mr Collier introduced a bill to be entitled an act, to change the time of holding the commissioner's court of roads and revenue in the county of Washington, which was read and ordered to a second reading.

Mr Fleming introduced a bill to be entitled an act, to establish a certain regiment in the seventh division of Alabama militia therein named; which was read and ordered to a second reading.

Mr Collier introduced a bill to be entitled an act, to adjust and settle the claims of William Jordon, for services rendered the county of Washington, which was read and ordered to a second reading.

Mr Jones of M. introduced a bill to be entitled an act, for the relief of the tax collector of madison county, which was read and ordered to a second reading.

On motion of mr Rather, it was *Resolved*, That the senate be now informed that the house of representatives is now ready to receive them in their hall, for the purpose of going into the election of judges of the county courts of St. Clair, Morgan and Walker. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives and taken their seats, both houses then proceeded to the election of a judge of the county court for St. Clair county. James Rogan only being in nomination.

Those who voted for James Rogan, are messrs President, Abercrombie, Asho, Anderson, Barclay, Brown, Chapman, Coopwood, Hemphill, Hill, Hogan, Irwin, Lyon, McVay, Morton, Phillips, Pickett, Vining and Wilkinson of the senate—messrs Speaker, Armbruster, Barron, Beene, Bonham, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Dubose, Farrar, Fleming, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D.

Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Lee, Massey, Mason, McDavid, McRae, Miree, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Mr James Rogan having received all the votes given, mr Speaker declared him duly elected judge of the county court for the county of St. Clair.

The two houses then proceeded to the election of a judge of the county court for the county of Morgan. Edwin R. Wallace and John W. Dancy being in nomination.

Those who voted for E. R. Wallace, are messrs President, Abercrombie, Anderson, Ashe, Barclay, Brown, Chapman, Guild, Hemphill, Hill, Hogan, Irwin, Lyon, McVay, Phillips, Pickett, Vining and Wilkinson, of the senate:—messrs Armbruster, Beene, Brown of J. Brown of M. Carithers, Chamberlain, Creagh, Farrar, Fleming, Gardner, Hall of A. Hall of B. Hallett, Hill of H. and D. Hill of S. Hopkins, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Massey, McDavid, Morrisett, Musgrove, Nabors, Norwood, Ormond, Price, Rains, Rather, Salter, Sanders of D. Simmons, Stewart, Sumners, Taylor, Walker, Webster, M. D. Williams and T. Williams.

Those who voted for John W. Dancy, are messrs Coopwood, Lane and Morton, of the senate:—messrs Speaker, Barron, Bonham, Bowen, Brickell, Carmack, Collier, Dubose, Gayle, Harkins, Harris, Horton, Lee, Mason, McRae, Miree, Oliver, Pegues, Rhodes, Sanders of L. Scott and Ware.

Mr E. R. Wallace having received a majority of votes; mr Speaker declared him duly elected judge of the county court for the county of Morgan.

The two houses then proceeded to the election of a judge of the county court for the county of Walker. Mr Edward G. Musgrove and Wyatt Cheatham being in nomination.

Those who voted for Mr Musgrove, are messrs President, Abercrombie, Ashe, Barclay, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Morton, Phillips, Pickett, and Vining, of the senate:—messrs Speaker, Armbruster, Barron, Beene, Bowin, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Dubose, Farrar, Fleming, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Johnson, Jones of M. Jones of T. Keener, Lawson, Lee, Massey, Mason, McDavid, McRae, Miree, Musgrove, Nabors, Norwood, Oliver, Ormond, Price, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Those who voted for Mr Wyatt Cheatham, are Messrs Anderson, and Wilkinson, of the senate:—messrs Bonham, Jackson, Morrisett, Pegues and Rains.

Mr Edward G. Musgrove having received a majority of votes, mr Speaker declared him duly elected judge of the county court for Walker county.

The senate then withdrew. And the house adjourned until to-morrow morning 10 o'clock.

Saturday, December 14, 1833.—A message from the senate by mr Conner their secretary; mr Speaker—The senate have passed bills of the following titles, which originated in the house of representatives: an act to make valid the act of the commissioners appointed to locate the seat of justice in the county of Barbour, which they have amended as herewith shewn; an act to change the time of holding the county courts of the county of Benton; an act to appoint commissioners for the county of Russell to fill the vacancy occasioned by the death of Hardeman Owen.

The senate have passed bills of the following titles, in which the concurrence of the house is asked: an act to authorize the President of the senate and the speaker of the house of representatives to issue certificates

of election to the president and directors of the bank of the State of Alabama, and the several branches thereof; and an act to emancipate certain slaves therein named.

Bills from the senate of the following, to wit: an act to authorize the President of the senate and speaker of the house of representatives to issue certificates of election to the president and directors of the bank of the State of Alabama, and the several branches thereof; and an act to emancipate certain slaves therein named, were severally read and ordered to a second reading. *Ordered*, that the house concur in the amendments made by the senate to the bill entitled an act to make valid the act of the commissioners appointed to locate the seat of justice in the county of Barbour: *Ordered*, that the clerk acquaint the senate therewith.

Mr Hudson presented the petition of sundry citizens of Franklin county, praying to establish an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Hudson presented the petition of sundry citizens of the town of Tusculum, in Franklin county, praying the passage of a law to authorize the drawing of a lottery for the purpose of building a masonic hall in said town, which was read and referred to a select committee; whereupon messrs Hudson, McRae and Carmack were appointed said committee.

Mr Evans presented the petition of sundry citizens of Pike county, praying to discontinue and establish an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Sanders of D. presented the account of the sheriff of Dallas county, which was read and referred to the committee on accounts.

Mr Beene presented the petition of sundry citizens of St. Clair county, praying that a branch of the bank of the State be located at the town of Selma, in the county of Dallas, which was read and referred to the committee on the State bank.

Mr Ware presented the petition of sundry citizens of the town of Wetumpka, in the county of Montgomery, praying an act of incorporation, which was read and referred to the judiciary committee.

Mr Sanders of D. presented the petition of Thomas Smith, a free man of color, of Dallas county, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on emancipation to consider and report thereon.

Mr Fleming from the military committee, to whom was referred the bill from the senate entitled an act to organize the militia of Clarke county, reported the same without amendment, the bill was ordered to a third reading.

The same committee, to whom was referred the bill from the senate entitled an act to exempt certain persons therein named from military duty, reported the same as inexpedient, in which report the house concurred.

The same committee, to whom was referred the bill entitled an act to increase the number of company musters and for other purposes; reported the same as inexpedient, in which report the house concurred.

The same committee, to whom was referred the bill entitled an act to form a company beat of militia of a less number of privates than forty men, in the county of Tuscaloosa; reported the following amendment; strike out the letter "a" in the second section and insert the word "two" which was adopted; the bill was ordered to be engrossed for a third reading.

Mr Brickell made the following report: the committee on enrolled bills have examined and find correctly enrolled bills of the following titles to wit: an act to continue in force an act entitled an act to establish a public

read from the house of John Gandy, in Morgan county, to Baltimore or Morgans' Springs in Blount county, passed December 23d, 1822; also a bill to be entitled an act to establish a public road from near Baltimore, in Blount county, to where it intersects the Blountsville road to Tuscaloosa, near the town of Elyton, in Jefferson county, passed December 9, 1823: an act to incorporate the manual labor institute, in Perry county; an act specifying the distance of residence from the seat of justice, that the judge of the county of St. Clair county may reside.

Mr M. D. Williams made the following report: the committee on education to which was referred a bill to be entitled an act to secure to the University all the nett proceeds arising from the funds of the University, which are vested in the bank of the State of Alabama, have had the same under consideration and have instructed me to report, that by an act of the legislature, to establish the bank of the State of Alabama, all the monies arising or which may have arisen from the sale or rent of the lands given to this State by the congress of the United States for the support of a seminary of learning, shall form, compose and constitute a part of the capital of said bank, that all the money arising from the three per cent fund to constitute a part of the capital of said bank, and the nett proceeds or banking dividends of said capital shall be applied to the making of roads and canals, and improving the navigation of the rivers in this State, and by a subsequent act of the legislature, all the money arising from the sales of the 16th sections are deposited in the bank, and the whole nett profits made on the funds are paid over to the commissioners of the 16th sections, to be applied to the use of schools; the committee are of the opinion that the same liberal policy should be extended by the legislature to the University of Alabama, by permitting for a limited time all the nett proceeds which are made from the funds vested in the bank, to be applied to the use and benefit of that institution. The same committee reported the bill as amended, by striking out all after the enacting clause, and substituting another section in lieu thereof. Mr Jackson moved that the bill and amendment lie on the table, which was carried.

Mr Creech from the committee on ways and means, to whom was referred a resolution instructing them to inquire into the expediency of ascertaining the sense of the people of this State, in relation to the establishment of a penitentiary; reported a bill to be entitled an act making it the duty of the sheriff of the different counties in this State, to take the sense of the people in relation to the expediency of establishing a penitentiary, which was read and ordered to a second reading.

Mr Johnson from the select committee, to whom was referred the petition of sundry citizens of Blount county; reported a bill to be entitled an act to authorize the judge of the county court, and commissioners of roads and revenue of the county of Blount, to levy a special tax for the building of a new court house and jail, in the town of Blountsville, for said county, which was read and ordered to a second reading.

On motion of Mr Ormond it was *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of providing the means for discharging the State loan, of two hundred thousand dollars, either by negotiating a new loan, or in such other mode as may best comport with the interest of the State; with leave to report by bill or otherwise.

Mr Oliver introduced joint resolutions of the general assembly of the State of Alabama, in relation to the act passed at the last session of congress, commonly denominated the "force bill" which was read and the consideration thereof postponed until Saturday next.

Mr Jackson introduced a bill to be entitled an act more effectually to prevent any attempt to promote disaffection among the black population of Alabama; which was read and ordered to a second reading.

On motion of mr Keener, it was *Resolved*, That with the concurrence of the senate the two houses will convene in the representative hall on this day, at the hour of 12 o'clock, for the purpose of going into an election for judge of the county courts of Barbour and Randolph counties: *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Farrar, it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of appointing election precincts at the house of F. T. Morrison and James Hathorn in the county of Randolph, with leave to report by bill or otherwise.

On motion of mr Sumners, it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of abolishing the election precinct, heretofore established at the house of Evan Calfee, in the county of Bibb, and establish one in lieu thereof at the house of John Calfee, sen. in said county.

Ordered, that mr Taylor have leave of absence until Monday next.

Mr Brickell introduced a bill to be entitled an act to alter the mode of assessing and collecting the taxes of this State, which was read and ordered to a second reading.

Mr Jones of M. introduced a bill to be entitled an act giving the county courts jurisdiction in all cases of emancipation, which was read and ordered to a second reading.

The house took into consideration the resolution of mr Hudson, proposing to go into the election of trustees of the University of Alabama. Mr Hudson asked leave to withdraw said resolution, which was granted.

The house then proceeded to the consideration of the orders of the day.

The bill entitled an act to prevent non-slave holders in Madison county from patrol duty. being under consideration: mr Ormond moved that the bill be indefinitely postponed, which was carried.

The bill entitled an act to levy a tax upon the cattle of non-residents, was read the second time. Mr Nabors moved to amend it by inserting after the word "Russell" the words "Chambers and Randolph," which was adopted, the bill was then ordered to be engrossed for a third reading.

A message was received from the senate by mr Conner, their secretary: mr Speaker—The senate concur in the resolution of the house of representatives, proposing to elect judges of the county courts of Barbour and Randolph counties, at 12 o'clock this day.

On motion of mr Keener, it was *Resolved*, That the senate be informed that the house of representatives are now ready to receive them for the purpose of going into the election of judges of the county courts for the counties of Barbour and Randolph: *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Gayle, it was *Resolved*, That with the concurrence of the senate, the two houses will assemble this day in the representative hall at the hour of 12 o'clock, for the purpose of electing a judge of the county court of Dallas county: *Ordered*, that the clerk acquaint the senate therewith.

A message from the senate by mr Conner, their secretary: mr Speaker—The senate concur in the resolution of the house of representative, to elect a judge of the county court of Dallas.

On motion of mr Gayle, it was *Resolved*, That the senate be informed

that the house is now ready to receive them, to go into the election of a judge of the county court for Dallas county: *Ordered*, that the clerk acquaint the senate therewith.

Mr Ware offered the following resolution as one of the rules of this house—*Resolved*, That this house will hereafter meet at 9 o'clock A. M. and sit until 1 P. M.; meet on the same day at 3 P. M. and sit until 5 o'clock, until the business of the present session has been disposed of, which lies over one day for consideration.

The senate having repaired to the hall of the house of representatives and taken their seats, the two houses then proceeded to the election of a judge of the county court for Barbour county. Alexander McCall alone being in nomination.

Those who voted for Alexander McCall, are, messrs President, Abercrombie, Anderson Ashe, Barclay, Brown Chapman Coopwood, Guild, Hemphill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Pickett, Vining, and Wilkinson, of the senate.—messrs Speaker, Armbruster, Barron, Beene, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Creagh, Dubose, Ellis, Evans, Farrar, Gardner, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Johnson, Jones of M., Jones of T. Keener, Lawson, Lee, Massey, Mason, McDavid, McRae, Miree, Morrisett, Musgrove, Nabors, Oliver, Ormond, Porter, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Walker, Ware, M. D. Williams and T. Williams.

Alexander McCall having received all the votes given, mr Speaker therefore declared him duly elected judge of the county court for Barbour county.

The two houses then proceeded to the election of a judge for the county court of Randolph county. Archibald Sawyer alone being in nomination.

The same members having voted for Archibald Sawyer that voted for mr McCall, mr Speaker therefore declared him duly elected judge of the county court for Randolph county.

The two houses then proceeded to the election of a judge of the county court for Dallas county. James M. Calhoun being in nomination.

The same members except mr Rains instead of mr Morrisett having voted for mr Calhoun, mr Speaker therefore declared him duly elected judge of the county court for Dallas county.

The senate then withdrew.

And then the house adjourned until Monday 10 o'clock.

Monday, December 16: 1833.—A message from the senate by mr Conner: mr Speaker—The senate have passed a bill from the house of representatives, entitled an act further to provide for the sale of the 400,000 acres of land, granted to this State for internal improvement, and have amended the same by a substitute which is herewith shewn.

They have passed a bill to be entitled an act to provide for compensating the different census takers for the year 1833: in all of which the concurrence of the house of representatives is asked.

The engrossed bill entitled an act further to provide for the sale of the 400,000 acres of land, granted to this State for internal improvements; the amendment of the senate to said bill, being under consideration, mr Mason moved that the further consideration thereof be postponed until Saturday next, which was carried.

The bill from the senate entitled an act to provide for compensating the different census takers in the year 1833, was read and ordered to a second reading.

Mr Davis presented the petition of sundry citizens of Bibb county, praying that persons cultivating plantations on the Cahawba river may have

them enclosed, which was read and referred to the committee on propositions and grievances.

Mr Hopkins from the judiciary committee, to which was referred a resolution which directed the committee to inquire into the expediency of defining with more precision the law of contempts; reported a bill to be entitled an act declaratory of the law concerning contempts of court, which was read and ordered to a second reading.

Mr Chamberlain from the committee on emancipation, to which was referred the petition of William Wilson, reported a bill to be entitled an act to authorize William Wilson to emancipate certain slaves therein named, which was read and ordered to a second reading.

Mr Brickell made the following report; the committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit: an act to make valid the act of the commissioners appointed to locate the seat of justice in the county of Barbour; an act to change the time of holding the county courts in the county of Benton; an act to appoint a commissioner for the county of Russell, to fill the vacancy occasioned by the death of Hardeman Owen; an act to permanently locate the seat of justice in the county of Talladega.

Mr Jackson from the committee on the State bank, to which was referred a resolution to inquire into the expediency of so amending the charter of the bank of Mobile, and the branch of the bank of the State of Alabama at Mobile, as to authorize the said banks to discount notes made payable and negotiable at any bank in Mobile, reported a bill to be entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and also that of the bank of Mobile, which was read and ordered to a second reading.

The same committee, to which was referred a resolution inquiring into the expediency of so framing a law as to prevent any of the directors of the State bank or any of its branches, from holding the office of bank attorney in said banks, reported a bill to be entitled an act to prevent directors of banks from acting as attorneys for banks, which was read and ordered to a second reading.

The same committee, to which was referred a resolution relative to 16th sections, reported a bill to be entitled an act to amend an act entitled an act for the accommodation of the the purchasers of 16th sections, and donated lands, passed November 19, 1832, which was read and ordered to a second reading.

Mr Chamberlain from the select committee, to which was referred the bill entitled an act providing additional compensation for the judge of the county court of Baldwin county, reported the bill without amendment, it was ordered to be engrossed for a third reading.

On motion of mr Massey, it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing the following election precincts in the county of Benton—one at the house of Stephen Clayton, one at the Boiling Springs, one at the Plum Springs, also one in St. Clair county at the house of Jehu Littlefield.

On motion of mr Rather, it was *Resolved*, That the judiciary committee be instructed to inquire if any, and if any, what fees are allowed to county surveyors, with leave to report by bill or otherwise.

On motion of mr Ware, it was *Resolved*, That with the concurrence of the senate the two houses will meet in the representative hall on to-morrow (Tuesday) at half past 3 o'clock, for the purpose of electing a president and twelve directors for the branch bank of the State of Alabama at Montgomery: *Ordered*, that the clerk acquaint the senate therewith.

On motion of Mr Fleming, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of reporting a bill to prevent the sale of lottery tickets in this State, of foreign lotteries or lotteries of any other State than that of Alabama.

Mr McRae introduced a bill to be entitled an act for the relief of William Hester, tax collector of Franklin county; which was read and ordered to a second reading.

Mr Speaker laid before the house a communication from the secretary of State, which is as follows:

SECRETARY OF STATE'S OFFICE.
Tuscaloosa, December 16, 1833. }

To the Hon Samuel W. Oliver, Speaker of the House of Representatives:

I have the honor to lay before you the return of the census of Wilcox county, which has just been received. (Signed) JAMES I. THORNTON.

Ordered, that said communication with the accompanying document be referred to the committee on apportionment.

The house then proceeded to the consideration of the orders of the day.

The house took into consideration the bill entitled an act to establish a jail and penitentiary house; the bill then being on its second reading: Mr Lee moved that the further consideration of the bill be postponed until the first day of February next. Mr Hopkins moved a call of the house, when the following members appeared and answered to their names, viz:—

Messrs Speaker, Armbruster, Barron, Beene, Bonham, Bowin, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Dubose, Ellis, Evans, Farrar, Fleming, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Lee, Massey, Mason, McDavid, McRae, Mirce, Morrisett, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Porter, Price, Raines, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Walker, Ware, Webster, M. D. Williams and T. Williams.

Mr Hudson moved the previous question. The question was, shall the call for the previous question be sustained; and lost. Yeas 23, nays 47.

The yeas and nays being desired, those who voted in the affirmative, are messrs Barron, Carithers, Davis, Dubose, Farrar, Gayle, Harkins, Hall of A. Hall of B. Hill of S. Horton, Hudson, Keener, Lee, Massey, McRae, Mirce, Musgrove, Nabors, Pegues, Price, Simmons and Sumners.

Those who voted in the negative, are messrs Speaker, Armbruster, Beene, Bonham, Bowin, Brickell, Brown of J. Brown of M. Carmack, Chamberlain, Collier, Creagh, Ellis, Evans, Fleming, Gardner, Hallett, Harris, Hall of H. and D. Hopkins, Houston, Jackson, Johnson, Jones of M. Jones of T. Lawson, Mason, McDavid, Morrisett, Norwood, Oliver, Ormond, Porter, Raines, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Stewart, Walker, Ware Webster, M. D. Williams and T. Williams.

And then the house adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The house resumed the consideration of Mr Lee's motion to postpone until the first day of February next, the bill entitled an act to establish a jail and penitentiary house.

And then the house adjourned until to-morrow at 10 o'clock.

Tuesday, December 17, 1833.—A message was received from the senate by Mr Conner: Mr Speaker—The senate concur in the resolution of the house of representatives, proposing to go into the election of a president and twelve directors of the branch of the bank of the State of Alabama, at Montgomery; they have also adopted the following resolution, *Resolved*, That with the concurrence of the house of representatives, the two houses will assemble in the representative hall on Tuesday at half past three o'clock, for the purpose of electing a judge of the county court of Mobile county; they have passed a bill entitled an act to amend the charters of

the branches of the bank of the State of Alabama, at Mobile, Decatur and Montgomery, in which the concurrence of the house is asked: *Ordered*, that the house concur in the resolution of the senate proposing to go into the election of a judge of the county court of Mobile county: *Ordered* that the clerk acquaint the senate therewith.

The bill from the senate entitled an act to amend the charters of the branches of the bank of the State of Alabama at Mobile, Decatur and Montgomery, was read the first time and ordered to a second reading.

Mr Rather presented the petition of sundry inhabitants of the counties of Morgan, Blount and Walker, praying that a new county be formed according to the following lines and boundaries, to wit:—begining at the south west corner of Morgan county, thence south to the waters of the Sipsie, thence down said river to its junction with the Warrior, thence a southern direction to the Big Warrior, thence with said river 30 or 35 miles, thence due north to Morgan county line, thence with said line to the begining, which was read and referred to the committee on county boundaries.

Mr Rhodes introduced a bill to be entitled an act, to incorporate the town of Decatur, which was read and ordered to a second reading.

Mr Sanders of D. offered the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will meet in the hall of the house of representatives at 3 o'clock, P. M. to-morrow, for the purpose of electing a president and fourteen directors for the branch of the bank of the State of Alabama at mobile. Mr Morrisett moved to amend the resolution, by striking out "to-morrow" to insert "Saturday week next," which was lost. Mr Lawson moved to amend the resolution by striking out the word "to-morrow," with a view to insert the words "Saturday next at half past 3 o'clock," which was adopted. Mr Sanders of L. moved to amend it by striking out "half past 3 o'clock," to insert "12 o'clock," which was lost. The resolution as amended was then adopted. Yeas 52, nays 17.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Betne, Brickell, Brown of J. Brown of M. Carithers, Chamberlain, Collier, Creagh, Davis, Dubose, Ellis, Evans, Farrar, Fleming, Fortson, Gardner, Gayle, Harkins, Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Johnson, Jones of M. Lawson, Massey, Mason, McDavid, McRae, Mree, Morrisett, Nabors, Norwood, Pegdes, Porter, Price, Rains, Rather, Rhodes, Salter, Scott, Sumners, Walker, Webster, M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Armbrester, Barron, Bonham, Bowin, Carmack, Hall of A. Jackson, Jones of T. Lee, Oliver, Ormond, Sanders of D. Sanders of L. Simmons, Stewart, Taylor and Ware. So the resolution was adopted.

Ordered, that the clerk acquaint the senate therewith.

On motion of Mr Jackson, it was *Resolved*, That a committee be appointed by this house to act with such committee as may be appointed by the senate, to inquire into the expenditures made by the board of trustees of the University of the State of Alabama, in buildings and other improvements, to inquire on what authority the said board of trustees have borrowed from the bank of the State of Alabama, the sum of sixty thousand dollars or any other amount, and expended the same; and also inquire into the cause of large sums of money paid to said board or their treasurer, and remaining on the books of said board, merely as money deposited there by different persons, and unapplied to the credit of those from whom such sum or sums of money was collected, and that said committee have power to make any other and further inquiries they may think proper to make, and report the result of their inquiries to both houses of this general assembly. *Resolved*, that the concurrence of the senate be requested to the above reso-

lation: whereupon messrs Jackson, M. D. Williams and Hopkins were appointed said committee.

Mr McDavia introduced a bill to be entitled an act, prescribing the mode of removing obstructions to the navigation of Paint Rock river, which was read and ordered to a second reading.

On motion of mr Hall of A. it was *Resolved*, That the committee on education, be instructed to inquire into the expediency of passing a law authorizing the entry of such parts of the 16th sections as have been offered for sale, and not sold for want of bidders at the same rate that they were offered at or such other minimum as may be deemed expedient.

Mr Oliver introduced a bill to be entitled an act, further to extend the time for the relief of Sterling E. Harrison, which was read and ordered to a second reading.

Mr Farrar introduced a bill to provide for the appointment of a commissioner in the county of Benton, which was read and ordered to a second reading.

The house again resumed the consideration of mr Lee's motion, to postpone until the 1st of February next, the bill entitled an act to establish a jail and penitentiary house.

The house then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The house again resumed the consideration of mr Lee's motion, to postpone until the 1st February next, the bill entitled an act to establish a jail and penitentiary house.

On motion of mr Hudson, it was *Resolved*, That the senate be informed that the house of representatives is now ready to receive them in their hall, for the purpose of going into an election for a president and twelve directors of the branch of the bank of the State of Alabama at Montgomery; and also a judge of the county court for Mobile county. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives and taken their seats, the two houses then proceeded to the election of a president of the branch of the bank of the State of Alabama at Montgomery. John Gindrat and William Sayer being in nomination.

Those who voted for mr Gindrat are, messrs Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Irwin Lane Lyon Morton Phillips Pickett Walthall and Wilkinson. Representatives messrs Speaker Barron Bonham Bowin Brickell Brown of J. Brown of M. Carthers Creagh Dubose Farrar Fleming Gardner Hall of B. Harris Hill of S. Horton Houston Hudson Jackson Keener Lawson Lee Mason Miree Musgrove Nabors Norwood Oliver Ormond Peguise Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Simmons Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Those who voted for mr Sayer are, messrs President Hogan and Vining. Representatives messrs Ambrester Beene Carmack Chamberlain Collier Davis Evans Gayle Harkins Hall of A. Hallett Hill of H. Hopkins McJohnson Jones of M. Jones of T. Massey McDavid McRae Morrisett and Rams.

Mr Gindrat having a majority of all the votes given was declared by mr Speaker duly elected President of the branch of the Bank of the State of Alabama at Montgomery.

The two houses then proceeded to the election of twelve directors: messrs Charles Pollard, Thomas W. Cowles, Bushrod Washington Bell, Samuel D. Holt, Thomas James, Charles S. Lucas, Thomas S. Mays, George Tragg, Joseph H. Bradford, George Whitman, William D. Pickett, William Falconer and Justice Wyman being in nomination.

Those who voted for mr Pollard are, messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon Morton Phillips Pickett Vining Walthall and Wilkinson. Representatives messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carthers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of D. Hill of S. Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Keener Lee Lee Massey McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Peguise Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Summers Walker Ware Webster M. D. Williams and T. Williams.

Those who voted for mr Cowles are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon Morton Phillips Pickett Vining Walthall and Wilkinson. Representatives messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carthers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. Hill of S. Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove, Nabors Norwood Oliver Ormond Pe-

gates Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Sumners Taylor Walker Ware Webster and M. D. Williams.

Those who voted for mr Bell are mr President Abercrombie Anderson Ash Barclay Chapman Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson.—Representatives messrs Speaker Armbrister Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid McRae Mirce Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Sumners Taylor Walker Ward Webster M. D. Williams and T. Williams.

Those who voted for mr Holt the same as the vote for mr Bell. The same for mr James. The same for mr Lucas. Those who voted for mr Mays the same, except mr Davis mr Hallett and mr Nabors.

Those who voted for mr Wragg are messrs Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Irwin Lane Lyon McVay Morton Phillips and Walthall.—Representatives messrs Speaker Barron Bonham Bowin Brickell Brown of J. Brown of M. Chamberlain Davis Dubose Ellis Farrar Fleming Fortson Hallett Hill of D. Hopkins Horton Houston Jackson Johnson Keener Lawson Lee Mason Mirce Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Sumners Taylor Walker Ware Webster and M. D. Williams.

Those who voted for messrs Bradford, Whitman, Pickett and Falconer the same as for mr Lucas, except, mr Bonham did not vote for mr Whitman.

Those who voted for mr Wyman are, messrs President Barclay Brown Hill Hogan Lyon McVay Pickett Vining and Wilkinson of the senate—messrs Armbrister Beene Carmack Carithers Chamberlain Creagh Davis Evans Gayle Harkins Hall of A. Hall of B. Hallett Hill of S. Hudson Johnson Jones of M. Jones of T. Massey McDavid McRae Nabors Norwood Rains Sumners Taylor and T. Williams.

Messrs Pollard, Cowles, Bell, Holt, James, Lucas, Mays, Wragg, Bradford, Whitman, Pickett and Falconer having a majority of all the votes given, were declared by mr Speaker duly elected directors of the branch of the bank of the State of Alabama at Montgomery.

The two houses then proceeded to the election of a judge of the county court for Mobile county. William M. Garrow alone being in nomination.

Those who voted for William M. Garrow are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Hill Hogan Irwin Lyon McVay Morton Phillips Pickett Vining and Wilkinson of the senate—messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Carithers Carmack Chamberlain Creagh Davis Evans Farrar Fortson Gardner Gayle Hall of A. Hall of B. Hallett Harris Hill of S. Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Lawson Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Porter Price Rains Rather Salter Sanders of D. Sanders of L. Scott Sumners Taylor Walker Ware and T. Williams.

William M. Garrow having received all the votes given, mr Speaker declared him duly elected judge of the county court for mobile county. The senate then withdrew.

And then the house adjourned till to-morrow at 10 o'clock.

Wednesday, December 18, 1833.—Mr Creagh presented the petition of sundry inhabitants, praying that congress may be memorialized on the subject of the loss of property during the Creek war, which was read and referred to a select committee: whereupon messrs Creagh, Porter and Morrisett were appointed said committee.

Mr Hopkins from the judiciary committee, to which was referred a resolution that directed the committee to inquire into the expediency of increasing the salary of the several solicitors of this State, or allowing further compensation for their services by raising their fees; reported a bill to be entitled an act, regulating the compensation of the attorney general and the several solicitors of this State, which was read and ordered to a second reading.

Mr Hudson from the select committee, to which was referred the petition of sundry citizens of the town of Tusculumbia and vicinity, reported a bill to be entitled an act, authorizing a lottery for the benefit of _____ lodge, No. _____ of antient free masons, which was read and ordered to a second reading.

Mr Brickell introduced a bill to be entitled an act, explanatory of an act entitled an act, to exempt certain property from execution, passed January 12th 1833, which was read and ordered to a second reading.

Mr Musgrove introduced a bill to be entitled an act, to reduce the number of days that hands will be subject to work on public roads in the county of Blount and for other purposes, which was read and ordered to a second reading.

Mr Beere introduced a bill to be entitled an act, to incorporate the Cahawba and Marion rail-road company, which was read and ordered to a second reading.

A message from the senate by mr Conner: mr Speaker—The senate have passed a bill to be entitled an act, to provide for the payment of jurors of the county of Pickens, which originated in the house of representatives.

A message from the governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa, December 18, 1833.

I transmit to the general assembly a communication from George S. Gaines, Esq. president of the branch of the State Bank at Mobile, covering sundry documents in relation to the sale of the State bonds, which were executed in pursuance of the provisions of the acts of the last session, passed to establish branches of the State Bank in Mobile and the Tennessee Valley. These papers show the difficulties which mr Gaines had to encounter in effecting the object of his visit to the northern cities, and disclose the true causes, it is believed, of his failure to obtain a premium in the sale of the bonds.

JOHN GAYLE.

Ordered, that said communication with the accompanying documents be referred to the committee on the State Bank.

Mr Chamberlain introduced a bill to be entitled an act, to authorize the summoning of a jury for the fourth and fifth weeks of the circuit court of mobile county, which was read and ordered to a second reading.

On motion of mr Evans, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of discontinuing an election precinct now established at the house of Thomas McAdams in Pike county, and establish one at the store house of Robert Sims in said county.

Mr Jackson offered the following as one of the standing rules of the house: *Rule No.* — All bills and joint resolutions, in the orders of the day, shall be divided in two classes numbered one and two. Those providing for local objects, shall be placed in the class No. one, and those general in their provisions shall be placed in class No two. Class No one shall be acted on first each day until otherwise ordered by this house; which lies over one day for consideration.

Mr Jackson introduced a joint resolution abandoning the contract of Graves, Caruthers and Company with the Tennessee canal commissioners, which was read the first time. mr McRae moved that the resolution lie on the table which was lost. It was ordered to a second reading.

The house again resumed the consideration of mr Lee's motion to postpone, until the first day of February next, the bill entitled an act to establish a jail and penitentiary house.

And then the house adjourned until to-morrow at 10 o'clock.

Thursday, December 19, 1833.—Mr Hudson presented the account of Charles Lewin, which was read and referred to the committee on accounts.

Mr Keener presented the petition of sundry citizens of Barbour county, on the subject of the location of the seat of justice of said county, which was read and referred to the committee on privileges and elections.

Mr Hudson presented the account of Solomon Perteet, which was read and referred to the committee on accounts.

On motion of Mr Rains, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of discontinuing an election precinct at the house of John H. Martin, on Turkey creek, in the county of Marengo.

Mr Gardner presented the account of the sheriff of Pickens county, which was read and referred to the committee on accounts.

A message was received from the governor by James I. Thornton; Mr Speaker—The governor did, on the 10th instant, approve and sign an act making appropriation for printing, binding and delivering the digest of the laws of Alabama; and on the 12th instant, an act for the relief of Monroe county; and on the 16th instant, an act to incorporate the manual labor institute in Perry county; an act specifying the distance of residence from the seat of justice that the judge of the county court of St. Clair county may reside; an act to amend an act approved the 24th day of December, 1824, to establish a certain road therein named; an act authorizing the appointment of an overseer of the roads of the town of Russellville and for other purposes; an act concerning escheats; an act to revive and continue in force an act, to incorporate the town of Selma in the county of Dallas, passed December 4th 1820; an act to authorize the commanding officers of the 25th regiment of Alabama militia, to form a company beat with a less number of privates than forty in the county of Henry; an act to repeal an act passed on the 12th day of January, 1833, entitled an act to compensate patrols for their services in the county of Madison, all of which originated in the house of representatives.

Mr Hopkins from the judiciary committee, to which was referred the petition of the mayor and aldermen and citizens of the town of Huntsville, praying for the amendment of the charter of incorporation of said town, reported a bill to be entitled an act to amend an act, incorporating the town of Huntsville, passed January 9th 1828, which was read and ordered to a second reading.

The same committee, to which was referred a resolution instructing them to inquire whether or not clerks of the county courts are authorized to take acknowledgements of deeds and relinquishment of dower to deeds to be recorded in other counties than the one where the clerk resides, reported a bill to be entitled an act to enlarge the powers of clerks of the county courts in taking the acknowledgement of deeds and relinquishment of dower, which was read and ordered to a second reading.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, providing a more summary mode for the trial of persons charged with the commission of affrays and assaults and batteries, reported that it is inexpedient and would be a violation of the constitution to pass the same; in which report the house concurred. Yeas 48, nays 18.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Beene Braham Bowin Brickell Brown of J. Brown of M. Carithers Chamberlain Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Harris Hill of H. and D. Hopkins Hudson Jackson Jones of M. Keener Masséy Mason McRae Miree Morrisett Musgrove Oliver Ormond Pegues Price Rains Rhodes Salter Sanders of D. Sanders of L. Sumners Walker and Ware.

Those who voted in the negative, are messrs Armbrester Carmack Hall of A. Hallett Hollis Horton Houston Jones of F. Lawson McDavid Nabors Norwood Rother Simmons Stewart Webster M. D. Williams and T. Williams.

The same committee, to which was referred the investigation of the

supplemental return made by the officers appointed by law to take the census of mobile county, reported that the additional number of free white inhabitants returned by said officer amounting to two hundred and twenty eight, should be received and added to the number heretofore received by him. *Ordered*, that the further consideration of said report be postponed until monday next.

The same committee, to which was referred a resolution instructing them to inquire into the expediency of reporting a bill to prevent the sale of lottery tickets within this State of foreign letteries, reported a bill to be entitled an act to prevent the sale of foreign lottery tickets, which was read and ordered to a second reading.

Mr Ambrester introduced a bill, to be entitled an act for the temporary relief of certain persons indebted to the bank of the State of Alabama, which was read and ordered to a second reading.

On motion of mr Hudson, it was *Resolved*, That the senate be informed that the house of representatives is now ready to receive them in their hall, for the purpose of going into an election for judges of the 2d, 6th and 7th judicial circuits of this State. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives and taken their seats, the two houses then proceeded to the election of a judge of the second judicial circuit. John S. Hunter, Ezekiel Pickens, George F. Sallee and Francis S. Bugby being in nomination. For mr Hunter, 35; mr Pickens, 32; mr Sallee, 5; mr Bugby, 21.

Those who voted for mr Hunter are, messrs Ash Hemphill Irwin Morton Vining and Wilkinson of the senate—messrs Speaker Ambrester Bonham Carmack Dubose Evans Fleming Hall of A. Harris Hill of H. and D. Hudson Jackson Lawson Massey Mason McDavid McRae Morrisett Norwood Ormond Pegues Porter Rather Rhodes Salter Sanders of L. Scott Taylor and Webster.

Those who voted for mr Pickens are, messrs President Barclay Guild Hill Lyon McVay Phillips Pickett and Walthall of the senate—messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hopkins Horton Jones of M. Jones of T. Lee Miree Nabors Rains Sanders of D. Sumners Walker M. D. Williams and T. Williams.

Those who voted for mr Sallee are, mr Hogan of the senate—Chamberlain Collier Hall of B. and Hallett.

Those who voted for mr Bugby are, messrs Abercrombie Anderson Brown Chapman Coopwood and Lane of the senate—messrs Bowin Brown of J. Brown of M. Carithers Farrar Hill of S. Houston Keener Musgrove Oliver Price Simmons Stewart and Ware.

No one of the candidates having received a majority of the votes, the two houses proceeded again to the election; the name of mr Sallee having been withdrawn

Those who voted for mr Hunter, are messrs Ash Hemphill Irwin Morton Vining and Wilkinson of the senate—Representatives, messrs Speaker Ambrester Bonham Carmack Chamberlain Collier Dubose Evans Fleming Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hudson Jackson Lawson Massey Mason McDavid McRae Norwood Ormond Pegues Price Rather Rhodes Salter Sanders of L. Scott and Taylor.

Those who voted for mr Pickens are messrs President Barclay Guild Hill Hogan Lyon McVay Phillips Pickett and Walthall, of the senate.—Representatives, messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hopkins Horton Jones of M. Jones of T. Lee Miree Nabors Rains Sanders of D. Sumners Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Bugby, are messrs Abercrombie Anderson Brown Chapman Coopwood and Lane of the senate.—Representatives, messrs Bowin Brown of J. Brown of M. Carithers Farrar Hill of S. Houston John-son Keener Musgrove Oliver Price Simmons Stewart and Ware.

There were for mr Hunter, 37; mr Pickens, 34, and mr Bugby, 21 votes.

No one of the candidates having received a majority of the votes, the two houses proceeded again to the election.

Those who voted for mr Hunter are messrs Ash Hemphill Irwin Lane Morton Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Bonham Carmack Chamberlain Collier Dubose Evans Fleming Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hudson Jackson Lawson Massey Mason McDavid McRae Norwood Ormond Pegues Porter Rather Rhodes Salter Sanders of L. Scott and Taylor.

Those who voted for mr Pickens, are messrs President Barclay Brown Coopwood Guild Hill Hogan Lyon McVay Phillips Pickett and Walthall, of the senate.—Representatives, messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hopkins Horton Jones of M. Jones of T. Lee Miree Nabors Rains Sanders of D. Stewart Sumners Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Bugby, are messrs Abercrombie Anderson and Chapman, of the senate.—Representatives messrs Bowin Brown of J. Brown of M. Carithers Farrar Hill of S. Houston Johnson Keener Musgrove Oliver Price Simmons and Ware.

There were for mr Hunter, 38; mr Pickens, 37; mr Bugby, 17 votes.

No one of the candidates having received a majority of the votes, the two houses proceeded again to the election; the name of mr Bugby being withdrawn.

Those who voted for mr Hunter, are messrs Abercrombie Ash Chapman Hemphill Irwin Lane Morton Vining Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Bonham Bowin Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Dubose Evans Farrar Fleming Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hollis Hudson Houston Jackson Keener Lawson Massey Mason McDavid McRae Morrisett Musgrove Norwood Oliver Ormond Pegues Porter Rather Rhodes Salter Sanders of L. Scott Simmons Taylor Ware and Webster.

Those who voted for mr Pickens, are messrs President Anderson Barclay Brown Coopwood Guild Hill Hogan Lyon McVay Phillips Pickett and Walthall of the senate.—Representatives, messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hill of S. Hopkins Horton Jones of M. Jones of L. Lee Miree Nabors Price Rains Sanders of D. Stewart Sumners Walker M. D. Williams and T. Williams.

There were for mr Hunter, 55; for mr Pickens, 39 votes.

Mr Hunter having received a majority of all the votes, mr Speaker, therefore declared him duly and constitutionally elected judge of the circuit court for the second judicial circuit.

The two houses then proceeded to the election of a judge of the circuit court for the sixth judicial circuit; Anderson Crenshaw and Nathaniel Cook being in nomination.

Those who voted for mr Crenshaw, are messrs President Ash Barclay Brown Chapman Guild Hill Hogan Lyon Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Armbruster Barron Beene Carmack Chamberlain Collier Creagh Ellis Evans Farrar Fleming Fortson Gardner Hall of A. Hall of B. Hallett Hill of H. and D. Hill of S. Hopkins Horton Jackson Jones of M. Jones of T. Lee Massey Mason McDavid McRae Miree Morrisett Nabors Norwood Ormond Pegues Porter Rains Salter Stewart Sumners Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Cook, are messrs Abercrombie Anderson Coopwood Hemphill Irwin Lane McVay and Morton, of the senate.—Representatives, messrs Speaker Bonham Bowin Brickell Brown of J. Brown of M. Carithers Davis Dubose Gayle Harkins Harris Hollis Houston Hudson Johnson Keener Lawson Musgrove Oliver Price Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Taylor and Ware.

There were for mr Crenshaw 57, for mr Cook 37 votes.

Mr Crenshaw having received a majority of all the votes given, was declared, by mr Speaker, duly and constitutionally elected judge of the circuit court for the sixth judicial circuit.

The two houses then proceeded to the election of a judge of the seventh judicial circuit; Samuel Chapman, George N. Stewart, Eli Shortridge, Sion L. Perry and John G. Aikin, being nomination.

Those who voted for mr Chapman, are messrs Abercrombie Barclay Chapman Lane Morton and Vining, of the senate.—Representatives, messrs Armbruster Brickell Carmack Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon and Wilkinson of the senate.—Representatives, messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price Rains and T. Williams.

Those who voted for mr Shortridge, are messrs President Ash Brown Phillips and Pickett of the senate.—Representatives, messrs Speaker Ellis Gayle Hall of A. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart and M. D. Williams.

Those who voted for mr Perry, are messrs Anderson Coopwood Hill and Walthall of the senate.—Representatives, messrs Gardner Hill of S. Hollis and Oliver.

Those who voted for mr Aikin, are messrs Hemphill Irwin and McVay of the senate.—Representatives, messrs Barron Bonham Bowin Brown of J. Brown of M. Carithers Collier Davis Dubose Evans Farrar Fortson Harkins Hall of B. Hill of H. and D. Keener Lawson Lee Miree Pegues Sanders of D. Scott and Sumners.

There were for Chapman 29, Stewart 13, Shortridge 18, Perry 8, Aikin 25 votes.

No one of the candidates having received a majority of the votes given, the two houses proceeded again to the election; the name of mr Perry having been withdrawn.

Those who voted for mr Chapman, are messrs Abercrombie Barclay Chapman Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Brickell Carmack Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon Walthall and Wilkinson of the senate.—Representatives, messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price Rains and T. Williams.

Those who voted for mr Shortridge, are messrs President Ash Brown Hill Phillips and Pickett of the senate.—Representatives, messrs Speaker Davis Ellis Evans Gayle Hall of A. Hall of B. Hill of S. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart and M. D. Williams.

Those who voted for mr Aikin, are messrs Anderson Coopwood Hemphill Irwin and McVay of the senate.—Representatives, messrs Barron Bonham Bowin Brown of J. Brown of M. Carithers Collier Dubose Farrar Fortson Gardner Harkins Hill of H. and D. Hollis Keener Lawson Lee Mirce Oliver Pegues Sanders of D. Scott and Sumners.

There were for mr Chapman 29, mr Stewart 14, mr Shortridge 23, and mr Aikin 28 votes.

No one of the candidates having received a majority of all the votes given, the two houses proceeded again to the election.

Those who voted for mr Chapman, are messrs Abercrombie Barclay Brown Chapman Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Bonham Brickell Carmack Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon Walthall and Wilkinson, of the senate.—Representatives, messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price and Rains;

Those who voted for mr Shortridge, are messrs President Ash Hill Pickett and Phillips of the senate.—Representatives messrs Speaker Davis Ellis Evans Gayle Hall of A. Hall of B. Hill of S. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart and M. D. Williams.

Those who voted for mr Aikin, are messrs Anderson Coopwood Hemphill Irwin and McVay, of the senate.—Representatives, messrs Barron Bowin Brown of J. Brown of M. Carithers Collier Dubose Farrar Fortson Gardner Harkins Hill of H. and D. Hollis Keener Lawson Lee Mirce Oliver Pegues Sanders of D. Scott and Sumners.

There were for Mr Chapman 31, Mr Stuart 14, Mr Shortridge 22, Mr Aikin 27 votes.

No one of the candidates having received a majority of the votes given, the two Houses proceeded again to the election.

Those who voted for mr Chapman, are messrs Abercrombie Barclay Brown Chapman Lane Morton and Vining of the Senate.—Reps. messrs Armbruster Bonham Brickell Carmack Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon Walthall and Wilkinson of the senate.—Reps. messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price Rains and T. Williams.

Those who voted for mr Shortridge, are messrs President Ash Hill Pickett and Phillips of the senate.—Reps. messrs Speaker Davis Ellis Evans Gayle Hall of A. Hall of B. Hill of S. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart Sumners and M. D. Williams.

Those who voted for mr Aikin, are messrs Anderson Coopwood Hemphill Irwin and McVay, of the senate.—Reps. messrs Barron Bowin Brown of J. Brown of M. Carithers Collier Dubose Farrar Fortson Gardner Harkins Hill of H. and D. Hollis Keener Lawson Lee Mirce Oliver Pegues Sanders of D. and Scott.

There were for mr Chapman 31, mr Stewart 15, mr Shortridge 23, mr Aikin 26 votes.

No one of the candidates having received a constitutional majority of the votes given, the two houses proceeded again to the election.

Those who voted for mr Chapman are, messrs Abercrombie Anderson Barclay Brown Chapman Lane Morton and Vining of the senate.—Representatives messrs Armbruster Bonham Brickell Carmack Farrar Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McKee Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart are, messrs Guild Hogan Lyon Walthall and Wilkinson of the senate.—Representatives messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price Rains and T. Williams.

Those who voted for mr Shortridge are, messrs President Ash Coopwood Hill Pickett and Phillips of the senate.—Reps. messrs Speaker Davis Ellis Evans Gayle Hall of A. Hall of B. Hill of S. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart Sumners and M. D. Williams.

Those who voted for mr Aikin are, messrs Hemphill Irwin and McVay of the senate.—Representatives, messrs Barron Bowin Brown of J. Brown of M. Carithers Collier Dubose Fortson Gardner Harkins Hill of H. and D. Hollis Keener Lawson Lee Mirce Oliver Pegues Sanders of D. and Scott.

There were for mr Chapman 34, mr Stewart 14, mr Shortridge 23, mr Aikin 23 votes.

No one of the candidates having received a constitutional majority of the votes given, the two houses proceeded again to the election, the name of mr Aikin having been withdrawn.

Those who voted for mr Chapman, are messrs Abercrombie Anderson Brown Barclay Chapman Hemphill Irwin Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Bonham Bowin Brickell Carmack Dubose Farrar Fleming Hall of B. Harris Hill of H. and D. Hopkins Houston Hudson Jackson Jones of M. Keener Mason McDavid McRae Musgrove Ormond Pegues Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon Walthall and Wilkinson of the senate.—Representatives, messrs Beene Brown of J. Carithers Chamberlain Creagh Fortson Gardner Hallett Mirce Morrisett Porter Price and Rains.

Those who voted for mr Shortridge, are messrs President Ash Coopwood Hill McVay Phillips

and Pickett of the senate.—Representatives, messrs Speaker Barron Brown of M. Collier Davis Ellis Evans Gayle Harkins Hall of A. Hill of S. Hollis Horton Johnson Jones of T. Lawson Lee Massey Nabors Norwood Salter Stewart Sumners M. D. Williams and T. Williams.

There were for mr Chapman 44, mr Stewart 18, mr Shortridge 32 votes.

No one of the candidates having a majority of the votes given, the two houses proceeded again to the election.

Those who voted for mr Chapman, are messrs Abercrombie Anderson Barclay Brown Chapman Hemphill Irwin Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Bowin Bonham Brickell Brown of M. Carmack Dubose Farrar Fleming Hall of B. Harris Hopkins Houston Hudson Jackson Jones of M. Keener Mason McDavid McRae Musgrove Oliver Ormond Pegues Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Hogan Lyon Walthall and Wilkinson, of the senate.—Representatives, messrs Brown of J. Chamberlain Creagh Hallet Miree Morrisett Porter Price and Rains.

Those who voted for mr Shortridge, are messrs President Ash Coopwood Guild Hill McVay Phillips and Pickett, of the senate.—Representatives Messrs Speaker Barron Beene Carithers Collier Davis Ellis Evans Fortson Gardner Gayle Harkins Hall of A. Hill of S. Hollis Horton Johnson Jones of T. Lawson Lee Massey Nabors Norwood Stewart Sumners M. D. Williams and T. Williams.

There were for mr Chapman 45, mr Stewart 13, mr Shortridge 35 votes.

No one of the candidates having received a constitutional majority of the votes, the two houses proceeded again to the election; the name of mr Stewart having been withdrawn.

Those who voted for mr Chapman, are messrs Abercrombie Anderson Barclay Brown Chapman Hemphill Irwin Lane Lyon Morton Vining and Walthall, of the senate.—Representatives, messrs Armbruster Bonham Bowin Brickell Carmack Dubose Farrar Fleming Hall of B. Hallett Harris Hopkins Houston Hudson Jackson Jones of M. Keener Mason McDavid McRae Musgrove Oliver Ormond Pegues Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Taylor Walker Ware and Webster.

Those who voted for mr Shortridge, are messrs President Ash Coopwood Guild Hill Hogan McVay Phillips Pickett and Wilkinson, of the senate.—Representatives, messrs Speaker Barron Beene Carithers Chamberlain Collier Creagh Davis Ellis Evans Fortson Gardner Gayle Harkins Hall of A. Hill of S. Hollis Horton Johnson Jones of T. Lawson Lee Massey Miree Nabors Norwood Price Salter Stewart Sumners M. D. Williams and T. Williams

Messrs Morrisett and Rains voted for mr Stewart.

There were for mr Chapman 46, for mr Shortridge 42 votes.

Mr Samuel Chapman having received a majority of all the votes given, mr Speaker therefore declared him duly and constitutionally elected judge of the circuit court for the seventh judicial circuit of this State.

The senate then withdrew and the house adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—On motion of mr Hudson, it was *Resolved*, That the senate be informed that the house of representatives is now ready to receive them, in the hall of the house for the purpose of going into the election of sixteen trustees of the University of Alabama. *Ordered*, that the clerk acquaint the senate therewith.

On motion of mr Ware, it was *Resolved*, That the judiciary committee be instructed to take into consideration the situation of the Creek Indian territory, from the year 1820, to the year 1833, and the several acts regulating and extending jurisdiction over the same, and whether the said extension of jurisdiction did alter the county boundaries then in existence and if altered, whether it was agreeable to the to the constitution of this State.

Mr Ormond introduced a joint resolution proposing amendments to the constitution, which was read and ordered to a second reading.

Mr Sanders of L. introduced a bill to be entitled an act, to permit the entry of certain lands therein named, at the land office at Courtland, which was read the first time, and the question being put, shall the bill be read the second time forthwith; it was decided in the affirmative, there being a constitutional majority voting in favor of the suspension. Yeas 58, nays 10.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of

M. Carithers Carmack Chamberlain Collier Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid Miree Morrisett Musgrove Norwood Oliver Pegues Price Rains Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Creagh Jackson Keener McRae Nabors Ormond Rather Rhodes Salter and Webster.

The bill was then read a second time forthwith and referred to the committee on lands appropriated to internal improvement.

Mr Massey introduced a bill to be entitled an act to repeal an act, for the relief of the sheriff of St. Clair county, which was read and ordered to a second reading.

The senate having repaired to the Hall and taken their seats, both houses then proceeded to the election of trustees of the University of Alabama, for the first judicial circuit. John Elliot and James Dellett being in nomination.

Those who voted for mr Elliot are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Dellett received the same vote. Both having all the votes given, were declared, by mr Speaker duly elected trustees of the University of Alabama for the first judicial circuit.

The two houses then proceeded to the election of two trustees for the second judicial circuit; Henry C. Lee and Thomas Crawford being in nomination.

Those who voted for mr Lee are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Crawford received the same vote, except, mr Hemphill voted for mr Reel. messrs Lee and Crawford having a majority of all the votes, were, by mr Speaker, declared duly elected trustees of the University for the second judicial circuit,

The two houses then proceeded to the election of two trustees of the University of Alabama for the third judicial circuit; Joab Lawler and Thomas Riddle being in nomination.

Those who voted for mr Lawler are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson of the senate.—Reps. messrs Speaker Ambrester Barron Beene Bonham Bowen Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H and D Hill of S Hopkins Horton Houston Hudson Jackson Johnson Jones of M Jones of T Keener Lawson Lea Mason Massey McDavid McRea Miree Musgrove Nabors Norwood Oliver Ormond Price Rains Rather Rhodes Salter Sanders of D Sanders of L Scott Simmons Stewart Sumners Taylor Walker Ware Webster T Williams.

The same vote was given to mr Riddle; Messrs Joab Lawler and Thomas Riddle having received all the votes given, mr Speaker declared them duly and constitutionally elected trustees of the University of Alabama, for the third judicial circuit.

The two houses then proceeded to elect two trustees for the fourth judicial circuit; William Richardson, David Hubbard and Peter Anderson being

ing in nomination. There were for mr Richardson 68, Hubbard 55, Anderson 48.

Those who voted for mr Richardson, are messrs President Anderson Ash Brown Chapman Coopwood Guild Hemphill Hogan Irwin Lane Lyon McVay Morton Phillips Vining and Wilkinson, of the senate.—Representatives, messrs Armbruster Barron Bowin Brickell Brown of J. Brown of M. Carithers Carmack Collier Creagh Davis Dubose Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Hudson Jackson Johnson Jones of M. Jones of T. Lawson Massey McDavid McKee Miree Musgrove Nabors Norwood Price Rains Salter Sanders of L. Simmons Stewart Sumners Taylor Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Hubbard, are messrs Abercrombie Barclay Coopwood Hemphill Hill Irwin Lane Morton Pickett and Walthall, of the senate.—Representatives, messrs Speaker Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Chamberlain Davis Dubose Ellis Fortson Harkins Harris Hill of H. Hill of S. Hollis Horton Houston Hudson Jones of T. Keener Lawson Lee McKee Miree Musgrove Nabors Norwood Oliver Ormond Price Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Ware M. D. Williams and T. Williams.

Those who voted for mr Anderson, are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Guild Hill Hogan Lyon Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Beene Bonham Carmack Chamberlain Collier Creagh Ellis Farrar Fleming Gardner Gayle Hall of A. Hallett Hopkins Houston Jackson Jones of M. Keener Massey Mason McDavid Ormond Rains Rather Salter Sanders of D. Scott Walker Ware and Webster.

Messrs William Richardson and David Hubbard having received a majority of all the votes given, mr Speaker declared they were duly elected trustees of the University of Alabama for the fourth judicial circuit.

The two houses then proceeded to the election of two trustees of the University of Alabama, for the fifth judicial circuit, William Acklin and J. W. Garth being in nomination.

Those who voted for mr Acklin, are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Vining Walthall and Wilkins of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lee Mason Massey McDavid McKee Miree Musgrove Nabors Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Sanders of D. Sanders of L. Scott Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Garth received the same vote, also the vote of Mr Lawson, who did not vote for Mr Acklin.

Messrs William Acklin and J. W. Garth having received a majority of all the votes, they were declared by Mr Speaker duly and constitutionally elected trustees of the University of Alabama for the fifth judicial circuit.

The two houses then proceeded to the election of two trustees of the University of Alabama, for the sixth judicial circuit; Jefferson Buford and Julien S. Devereux, being in nomination.

Those who voted for Mr Buford, are messrs President Abercrombie Anderson Ash Barclay Brown Coopwood Hemphill Hill Irwin Lane Lyon McVay Phillips Vining Walthall and Wilkinson.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Creagh Davis Dubose Ellis Evans Farrar Fortson Gardner Gayle Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lee Massey McDavid McKee Miree Musgrove Nabors Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

Mr Devereux received the same vote, also the vote of mr Lawson, who did not vote for mr Buford.

Messrs Jefferson Buford and Julien S. Devereux having received a majority of all the votes given, they were declared by mr Speaker to be duly elected trustees of the University of Alabama for the sixth judicial circuit.

The two houses then proceeded to the election of two trustees of the University of Alabama for the seventh judicial circuit; Thomas Ringgold and Samuel S. Earle being in nomination.

Those who voted for Mr Ringgold, are messrs President Abercrombie Anderson Ash Barclay Brown Coopwood Hemphill Hill Irwin Lane Lyon McVay Morton Phillips Vining and Walthall.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Collier Creagh Davis Dubose Ellis Farrar Fleming Gardner Hallett Harris Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lee Mason Miree Musgrove Nabors Norwood Oliver Ormond Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

Mr Earle received the same vote; he also received the vote of Mr Lawson who did not vote for Mr Ringgold.

Thomas Ringgold and Samuel S. Earle having received a constitutional

majority of votes, were declared by Mr Speaker duly elected trustees of the University of Alabama, for the seventh judicial circuit.

The two houses then proceeded to the election of two trustees of the University of Alaba, for the eighth judicial circuit; John W. Womack and Thomas S. Mays being in nomination

Those who voted for mr Womack, are messrs President Abercrombie Anderson Ash Barclay Brown Coopwood Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Walthall.—Representatives Messrs Speaker Ambrester Barrow Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Cragh Davis Dubose Ellis Evans Farrar Fortson Gardner Hall of A. Hallett Harris Hill of H. and D. Hollis Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McDavid McRae Nire Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Salter Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware and T. Williams.

The same vote was given to Mr Mays.

John W. Womack and Thomas S. Mays, having received all the votes given, were declared by Mr Speaker to be elected trustees of the University of Alabama, for the eighth judicial circuit.

The senate then withdrew; and then the house adjourned till to-morrow at 10 o'clock.

Friday, December 20, 1833.—Mr Houston presented the petition of sundry inhabitants of Morgan, Blount and Walker counties, praying that a new county may be established, which was read and referred to the committee on county boundaries.

Mr Simmons presented the petition of sundry inhabitants of Autauga county, praying to discontinue and establish election precincts therein named; which was read and referred to the committee on privileges and elections.

Mr Fleming presented the petition of John Baird, of Madison county, on the subject of manufactures; which was read. *Ordered*, that said petition lie on the table.

Mr Brickell made the following report: The committee on enrolled bills have examined and find correctly enrolled: an act to provide for the payment of jurors of the county of Pickens.

Mr Harris presented the petition of Levi Cummings, of Limestone county, in relation to the sale of a certain tract of land therein named, which was read. *Ordered*, that said petition, together with the accompanying documents, be referred to the committee on lands appropriated for internal improvement.

A message from the senate by mr Conner: mr Speaker—The senate have passed a bill from the house of representatives, entitled an act to organize the county of Coosa, and have amended the same as herewith shown. The senate have passed bills of the following titles: an act to divorce Mary S. Brooke from her husband Edward F. Brooke; an act to compel the attendance of jurors summoned at the instance of the Tennessee canal commissioners and for other purposes; in all of which, the concurrence of the house of representatives is asked. The senate concur in the resolution of the house of representatives, proposing to raise a committee in relation to the expenditures of the funds of the University by the trustees of the same; and also, to the sums borrowed from the bank, &c. and have appointed messrs Lyon, Chapman and Lane a committee on the part of the senate. *Ordered*, that the house concur in the amendments made by the senate to the bill entitled an act, to organize the county of Coosa. *Ordered*, that the clerk acquaint the senate therewith.

Bills from the senate of the following titles, to wit: an act to divorce Mary S. Brooke from her husband Edward F. Brooke; and an act to compel the attendance of jurors summoned at the instance of the Tennessee canal commissioners and for other purposes, were severally read a first time and ordered to a second reading.

Mr Hopkins from the judiciary committee, to which was referred a re-

solution to inquire if any and what fees are allowed to county surveyors, reported a bill to be entitled an act to fix the fees of county surveyors, which was read and ordered a second reading.

Mr Rather introduced a bill to be entitled an act, for the better regulation of roads, which was read and ordered to a second reading.

Mr Walker from the special committee, to which was referred the bill entitled an act, to repeal in part and amend the laws now in force in this State, relating to the appointment of hands to work on public roads, reported a substitute in lieu thereof, which was adopted; the bill was ordered to be engrossed for a third reading.

The bill entitled an act to appoint commissioners for the county of Sumpter, to survey and sell town lots in the town Livingston, the seat of justice thereof and to erect public buildings in the same, was read the second time and ordered to be engrossed for a third reading.

Mr Speaker laid before the house the report of the adjutant and inspector general, which was read and referred to the military committee.

The bill from the senate entitled an act, to provide for compensating the different census takers in the year 1833, was read the second time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Mr Jackson presented the petition of sundry citizens of Lauderdale county, on the subject of a road, which was read and referred to the committee on roads, bridges and ferries.

On motion of Mr Hall of B. it was *Resolved*, That the judiciary committee, be instructed to inquire into what change if any may be necessary in the present existing law, regulating the fees of the county court judges in this State, with leave to report by bill or otherwise.

Mr Hollis introduced a bill to be entitled an act, to provide a fund for compensating the grand and petit jurors of the county of Marion, which was read and ordered to a second reading.

Mr Porter offered the following resolution: *Resolved*, That a select committee be appointed to inquire into the expediency of drafting a memorial to the congress of the United States, praying the re-charter of the bank of the United States, under such modifications and restrictions as may comport with the interest and necessities of the country. Mr Ormond moved the previous question. The question was, shall the call for the previous question be sustained, and carried. The main question was then put, viz: shall this resolution be adopted, and determined in the affirmative. Yeas 38, nays 32.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Barron Bonham Bowen Brown of J. Carmack Chamberlain Collier Creagh Dubose Ellis Fleming Gardner Hall of B. Hallett Hopkins Horton Jackson Jones of T. Keener Lawson Lee Mason McDavid Miree Morrisett Norwood Ormond Porter Price Rains Rather Rhodes Salter Sanders of D., M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Beene Brickell Brown of M. Carithers Davis Evans Farrar Fortson Gayle Harkins Hall of A. Harris Hill of H. and D. Hill of S. Hollis Houston Hudson Johnson Jones of M. Massey McRae Musgrove Nabors Oliver Sanders of L. Scott Stewart Sumners Taylor Walker Ware and Webster.

On motion of Mr Keener, it was *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law requiring the secretary of State to distribute to each one of the trustees of the University of Alabama, one of the acts of the general assembly of this State, and one for each succeeding year hereafter, and also Aikin's digest.

On motion of Mr. Rather, it was *Resolved*, That with the concurrence of the senate the two houses will on Tuesday next, the 24th instant, at the hour of 3 o'clock P. M., assemble in the hall of the house of representatives for the purpose of electing a president and twelve directors of the branch of the bank of the State of Alabama, at Decatur: *Ordered*, that the clerk acquaint the senate therewith.

Mr Brickell introduced a joint resolution against rechartering the bank of the United States, which was read the first time. Mr Porter moved that the resolution lie on the table. Mr Jackson moved a call of the house; when the following members answered to their names, to wit:

Messrs Speaker Ambrester Barron Bonham Bowen Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrave Nobors Norwood Oliver Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Walker Ware Webster M. D. Williams and T. Williams.

The further consideration of the resolution was postponed one hour, agreeably to a rule of the house.

Mr Ellis presented the petition of W. M. Price on the subject of manual labor schools, which was read: *Ordered*, that said petition lie on the table.

On motion of Mr Hollis, it was *Resolved*, That with the concurrence of the senate the two houses will assemble in the representative hall on Monday the 23d instant, at the hour of 8 o'clock, for the purpose of electing a judge of the county court for the county of Marion: *Ordered*, that the clerk acquaint the senate therewith.

The house again resumed the consideration of Mr Lee's motion to postpone until the first day of February next, the bill entitled an act to establish a jail and penitentiary house; the question was then put on said motion and carried. Yeas 38, Nays 34.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Barron Bonham Bowen Brown of J. Brown of M. Carithers Creagh Davis Dubose Evans Farrar Fortson Gardner Harkins Hall of A. Hall of B. Hill of H. and D. Hill of S. Hollis Horton Hudson Keener Lee Massey Miree Morrisett Musgrave Nobors Pegues Porter Salter Sanders of D. Scott Simmons Sumners Taylor and Ware.

Those who voted in the negative, are messrs Ambrester Beene Brickell Carmack Chamberlain Collier Ellis Fleming Gayle Hallett Harris Hopkins Houston Jackson Johnson Jones of M. Jones of T. Lawson Mason McDavid McRae Norwood Oliver Ormond Price Rains Rather Rhodes Sanders of L. Stewart Walker Webster M. D. Williams and T. Williams.

The question was put on the adoption of Mr Jackson's rule and lost.

Ordered, that Mr Pegues have leave of absence for one week.

The house took into consideration the rule offered by Mr Ware. Mr Ormond moved to amend it by striking out "nine" to insert "ten" so that it will read ten o'clock instead of nine o'clock, which was carried. Mr Jackson moved that it lie on the table, which was carried. Yeas 56, Nays 14.

Those who voted in the affirmative are, messrs Speaker, Ambrester, Beene, Bowen, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Dubose, Evans, Fleming, Fortson, Gardner, Harkins, Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Keener, Lawson, Lee, Massey, Mason, McDavid, McRae, Musgrave, Norwood, Oliver, Ormond, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Simmons, Stewart, Sumners, Taylor, Walker, Webster, M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Barron, Bonham, Ellis, Farrar, Gayle,

Hall of A. Jones of M. Jones of T. Miree, Morrisett, Nabors, Porter, Scott, and Ware.

Ordered, that the absentees be excused for their non-attendance on Mr Jackson's call of the house.

The hour having expired; the house resumed the consideration of the joint resolution, against rechartering the bank of the United States, it was ordered to a second reading.

It being 7 minutes past 1 o'clock; Mr Porter moved that the house adjourn until 10 o'clock to-morrow, which was lost. Yeas 34, Nays 36.

Those who voted in the affirmative, are messrs Speaker, Armbrester, Bonham, Chamberlain, Collier, Creagh, Davis, Ellis, Evans, Gayle, Harkins, Hall of B. Hallett, Harris, Hill of H and D. Hollis, Hopkins, Houston, Johnson, Lee, Massey, Mason, Musgrove, Norwood, Porter, Rains, Rather, Salter, Sanders of D. Stewart, Sumners, Taylor Walker and Webster.

Those who voted in the negative, are messrs Barron, Beene, Bowin, Brickell, Brown of J. Brown of M. Carithers, Carmack, Dubose, Farrar, Fleming, Fortson, Gardner, Hall of A. Hill of S. Horton, Hudson, Jackson, Jones of M. Jones of T. Lawson, McDavid, McRae, Miree, Morrisett, Nabors, Oliver, Ormond, Price, Rhodes, Sanders of L. Scott, Simmons, Ware, M. D. Williams and T. Williams.

Mr Ormond offered the following resolution, *Resolved*, That this house will be governed in future by the 44th rule, as to adjournments, which was rejected. Yeas 22, Nays 47.

Those who voted in the affirmative, are messrs Bowen, Brickell, Dubose, Fortson, Gardner, Hall of A. Hallett, Hopkins, Houston, Hudson, Jones of M. McRae, Miree, Oliver, Ormond, Price, Rhodes, Scott, Simmons, Stewart, Walker, and Ware.

Those who voted in the negative, are messrs Speaker, Armbrester, Barron, Beene, Bonham, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Ellis, Evans, Farrar, Fleming, Gayle, Harkins, Harris, Hill of S. Hollis, Horton, Jackson, Johnson, Jones of T. Lawson, Lee, Massey, Mason, McDavid, Musgrove, Nabors, Norwood, Porter, Rains, Rather, Salter, Sanders of D. Sanders of L. Sumners, Taylor, Webster, M. D. Williams and T. Williams.

Mr Ellis offered the following, *Resolved*, That the 44th rule be abolished for the remainder of the session, which lies over one day for consideration.

At 25 minutes past 1 o'clock, Mr Lawson moved that the house adjourn to 10 o'clock to-morrow, which was carried. Yeas 44, Nays 21.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Barron Beene Bonham Bowin Brickell Brown of M. Carithers Collier Creagh Davis Dubose Evans Fleming Gardner Gayle Harkins Hall of B. Hallett Harris Hill of S. Hollis Hopkins Houston Johnson Jones of M. Lawson Lee Massey Mason McDavid McRae Musgrove Nabors Norwood Ormond Rather Salter Stewart Sumners Taylor Walker and T. Williams.

Those who voted in the negative, are messrs Brown of J. Carmack Ellis Farrar Fortson Hall of A. Hill of H. and D. Horton Hudson Jackson Jones of T. Miree Oliver Porter Price Sanders of D. Sanders of L. Scott Simmons Ware and M. D. Williams.

And then the house adjourned.

Saturday, December 21, 1833.—A message from the senate by Mr Corner. Mr Speaker—The senate have passed a bill to be entitled an act to authorize the instruction of certain free persons of color therein described, which originated in the house of representatives; they have also passed bills which originated in the senate, of the following titles, to wit: an act to incorporate the Hibernian Benevolent Society of Mobile; an act to amend the road laws; an act to provide a more summary mode of collecting money from clerks, and an act to amend an act to regulate the weighing of cotton in the city of Mobile, and for other purposes; in all of which they ask the concurrence of the house of representatives.

Bills from the senate of the following titles, to wit: an act to incorporate the Hibernian Benevolent society of Mobile; an act to amend the road

laws; an act to provide a more summary mode of collecting money from clerks, and an act to amend an act regulating the weighing of cotton in the city of Mobile, and for other purposes, were severally read and ordered to a second reading.

Mr Creagh presented the petition of Louisa, a female slave of the county of Mobile, praying the passage of a law to emancipate the said Louisa and her children, which was read and referred to the committee on emancipation.

A message was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa 20th December 1833.

With my annual message of the 19th ultimo, I transmitted to the General Assembly sundry documents, which had been received from the Hon. P. T. Harris, showing that the persons indicted for the murder of Hardeman Owen, were protected by the commanding officer at Fort Mitchell, and that he had placed at defiance the officers and process of the circuit court of Russell county.

I did not believe that the President would sanction this conduct, and in this opinion I have not been disappointed; for, on the receipt of my letter at the War Department, of the 25th September, orders were issued to Major McIntosh to submit to all civil process, and to afford every facility for its due and proper execution. This will be more fully perceived from the letter of the Secretary of War of November, and the documents which accompanied it, which are herewith sent, for the examination of the legislature.

Francis S. Key, Esq. a gentleman equally distinguished for intelligence and for his frank and honorable character, arrived at Tuscaloosa, at an early period of the present session, with instructions to communicate, fully, the views of the President in relation to the settlers in the Creek country.

With Mr. Key I have held several conversations, the substance of which is contained in his letter of the 16th instant, in answer to a note from me of the same date. Copies of this correspondence are herewith laid before the General Assembly, from which it will be seen, that the settlers in the new counties are to remain in the undisturbed possession of their improvements, and that the orders of the secretary of war are to be confined exclusively to the locations which were reserved for the Indians by the treaty.

The principal object of this unpleasant controversy with the general government being obtained, by asserting and vindicating those great principles, which were established by the constitution, for the security of the people, and for the protection of the States, in the exercise of their rightful jurisdiction; it cannot fail to be a source of the highest satisfaction to our fellow citizens of the new counties, that the calamity with which, at one period, they were threatened, has been averted, and of pride and patriotic exultation to our people, every where, that the supremacy of the civil over the military authority has been successfully maintained.

It is believed that the plan which has been adopted by the general government, and the exertions they are making to purchase the reservations, will effectually prevent any future collision. However this may be, it is no less the right than it is the duty of the legislature to pass all such laws as will protect the Indians in the rights which have been secured to them by the treaty. Laws should be made particularly with a view to prevent trespasses upon their lands, and to secure them against all fraudulent contracts in relation to renting and leasing their premises.

These people have become citizens of the State and have placed themselves under the protection of our laws, by their own consent, freely and voluntarily given, and we are called upon by every consideration of justice and humanity, to guard them against the impositions to which they will be constantly exposed, from their ancient habits and their ignorance of our laws.

JOHN GAYLE.

Ordered, that the further consideration of said message be postponed until Thursday next; and that one thousand copies of said message with the accompanying documents be printed.

Mr Porter presented the account of the sheriff of Monroe county, which was read and referred to the committee on accounts.

Mr Hill of S. presented the petition of sundry inhabitants of Coosa, Tallapoosa and Chambers counties, praying the passage of a law to open a road, which was read and referred to the committee on roads, bridges and ferries.

Mr Hall of A. presented the petition of Henry Funderburke, of Autauga county, praying the passage of a law to establish a ferry across Coosa river at a place known as the Stair Case, which was read and referred to the committee on roads, bridges and ferries.

Mr Simmons presented the petition of sundry citizens of the town of Wetumpka, on the west side of the Coosa river, in Autauga county, praying an act of incorporation, and also to establish an election precinct in said town, and to discontinue the one at John Gray's, which was read and referred to the judiciary committee.

Mr Scott presented the petition of John M. Sally and others of Lowndes county, praying the passage of a law authorizing them to clear out Big Swamp creek, from a point at or near Havneville to its junction with the Alabama river, which was read and referred to the committee on inland navigation.

Mr Hallett presented the account of Joseph Bates junior, sheriff of Mobile county, which was read and referred to the committee on accounts.

Ordered, that Mr Rather be added to the committee on county boundaries.

Mr Jackson from the committee on the State Bank, to which was referred a resolution inquiring into the expediency of prohibiting the bank bills of any other State, under the denomination of five dollars, from circulating in the State of Alabama, reported a bill to be entitled an act, to prohibit the bills of the banks of other States from circulating in Alabama, which was read, and the question being put, shall this bill be read a second time; it was determined in the negative.

Mr Brown of J. made the following report: The committee on privileges and elections, to which was referred a resolution instructing them to inquire into the expediency of passing a law, requiring the people of this State, in all elections to vote *viva voce* instead of by *ballot*, as now required by law, have instructed me to report that it is inexpedient to change the mode or legislate on the subject at the present session; in which report the house concurred. Yeas 43, nays 23.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barrow Beene Bonham Bowin Brown of J. Carithers Collier Creagh Davis Dubose E. Lee Fortson Gardner Harris Hill of H. and D. Hall of S. H. H. Horton Houston Jackson Jones of M. Keener Lee Mason Maristice Musgrove Oliver Ormond Porter Price Raper Rather of D. Scott Simmons Sumners Walker Ware M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Ambrester Brickell Carmack Chamberlain Ellis Farrar Fleming Galt Hawkins Hall of A. Hall of B. Hallett Hopkins Hudson Jones of T. Lawson McDaniell McKae Miree Sanders of L. Stewart Taylor and Webster.

Mr Brown of J. made the following report. The committee on privileges and elections, to which was referred the petition of sundry citizens of Barbour county, in relation to the seat of justice of said county, have had the same under consideration, and have instructed me to report, that from an examination of the acts of the last legislature, it appears, that said county was formed, partly by territory taken from the Creek lands, and partly from Pike county. The consequence of which is, that one half of said county is sparsely populated, while the other is almost uninhabited. It will also be seen by a reference to said acts, that commissioners were appointed to select and permanently locate the site for the seat of justice of said county.

Your committee have also been informed from respectable authority, that said commissioners have performed the duty enjoined on them by the act aforesaid, and have located the site within a few miles of the centre of said county, and have had the same laid off into lots, and have sold to the amount of thirteen hundred dollars worth. Your committee are therefore of opinion, that the prayer of the petitioners is unreasonable and ought not to be granted. In which report the house concurred.

Mr Rhodes presented the petition of Henry Stovall, of Morgan county, praying for the privilege of entering a tract of land at the land office at Courtland, at the minimum price, which was read and referred to the committee on lands appropriated for internal improvement.

Mr Hudson introduced a bill to be entitled an act, authorizing a lottery for the benefit of the Tuscumbia female academy and for other purposes, which was read and ordered to a second reading.

On motion of Mr Brickell, it was *Resolved*, That the judiciary committee, be instructed to inquire into the existing laws in relation to the liability of executors or administrators out of their individual estate, for not pleading, mis-pleading or false pleading in or to any action whatever, and if liable, report a bill more fully to define their liability, and the mode of defence by an executor or administrator when sued and brought to trial,

before such executor or administrator, can test the solvency or insolvency of the estate of his, her or their testator or intestate.

On motion of mr Ellis, it was *Resolved*, That William M. Price be permitted to appear in the hall of the house of representatives on Friday evening next, at 7 o'clock, for the purpose of explaining his scheme of education upon the manual labor system.

On motion of mr Farrar, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing election precincts at the houses of William B. Russell, Israel Standifer and Raigen Rawlings in the county of St. Clair, with leave to report by bill or otherwise.

On motion of mr Ellis, it was *Resolved*, That the committee on ways and means, be instructed to inquire and report from the best information they can obtain, the probable cost of a penitentiary establishment, constructed upon the Auburn system, so as to contain two hundred cells and the probable increase of cost for one containing three hundred cells, and also for one containing four hundred cells.

On motion of mr Brickell, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election precinct at the house of Joel Holbert, in Limestone county.

On motion of mr Hall of A. it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election precinct at the store-house of William Kirk, in the county of Autauga.

On motion of mr Simmons, it was *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing the election precinct at John Gray's, in Autauga county, and establish one at the town of Wetumpka, and report by bill or otherwise.

Mr Porter introduced joint resolutions, in relation to the lands of the United States, within the State of Alabama, which was read and ordered to a second reading.

On motion of mr Salter, it was *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall on Saturday the 21st instant, at the hour of 3 o'clock, for the purpose of going into the election of a judge of the county court for Covington county. *Ordered*, that the clerk acquaint the senate therewith.

Mr Brickell introduced a bill to be entitled an act, more effectually to prevent trading with negro slaves, which was read and ordered to a second reading.

On motion of mr Evans, it was *Resolved*, That the judiciary committee, be instructed to inquire into the truth of certain charges made against the judge of the county court of Pike county, and if such charges are substantiated, to frame articles of impeachment against him or an address for his removal as his offences may justify.

Mr Porter presented a document on the subject of the impeachment of the judge of the county court of Pike county, which was read and referred to the judiciary committee.

On motion of mr Barron, it was *Resolved*, That the judiciary committee, be instructed to inquire into the expediency of so altering the constitution as to allow the people of their respective counties to elect their county court judges.

Mr Nabors introduced a bill to be entitled an act, giving further time to persons holding claims against their respective counties to file the same, which was read and ordered to a second reading.

The bill entitled an act, for the relief of the purchasers of University lands, was, on motion of Mr McRae, referred to messrs Jackson, Hudson, McRae, Lawson and Hopkins.

Mr Lawson called up the memorial to the congress of the United States on the subject of the public lands. It was placed among the orders of the day.

The bill from the senate entitled an act, to amend the law in relation to a change of venue in criminal causes, was read the third time. Mr Jackson moved that the further consideration of the bill be postponed until the first day of June next, which was carried. Yeas 39, nays 27.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Bonham Bowin Brickell Brown of J. Carithers Carmack Davis Dubose Fleming Fortson Gardner Harkins Hall of A. Hall of B. Hill of H. and D. Hill of S. Horton Hudson Jackson Johnson Jones of M. Jones of T. Keener Massey McDavid Miree Musgrove Nabors Norwood Rhodes Salter Sanders of D. Sanders of L. Simmons Sumners Taylor Walker Ware and T. Williams.

Those who voted in the negative, are messrs Speaker Armbruster Beene Chamberlain Creagh Ellis Evans Gayle Hallett Harris Hollis Hopkins Houston Lawson Lee Mason Morrisett Oliver Ormond Porter Price Rains Rather Scott Stewart Webster and M. D. Williams.

The question re-curred on the adoption of Mr Ellis' resolution, to abolish the 44th rule and lost.

The joint resolutions of the general assembly of the State of Alabama in relation to the act passed at the last session of congress, commonly designated the "force bill," being under consideration. Mr Oliver moved that the further consideration of said resolutions be postponed until Friday next, and made the special order of the day at 11 o'clock, which was carried.

Ordered, That the house concur in the amendments made by the senate to the bill entitled an act, further to provide for the sale of the 400,000 acres of land, granted to this State for internal improvement. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act, for the relief of Benjamin Marshall was read the third time, and the question being put, shall this bill pass? it was decided in the affirmative. Yeas 47, nays 21.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Barron Beene Bonham Brickell Brown of J. Brown of M. Carmack Chamberlain Creagh Davis Dubose Farrar Fortson Gardner Gayle Hall of B. Hall of H. Harris Hill of S. Hopkins Horton Houston Jackson Johnson Jones of M. Keener Lawson Mason McDavid Miree Morrisett Musgrove Norwood Ormond Price Rather Rhodes Sanders of D. Sanders of L. Simmons Stewart Sumners, Taylor and M. D. Williams.

Those who voted in the negative, are messrs Armbruster Bowin Carithers Ellis Evans Fleming Harkins Hall of A. Hudson Jones of T. Lee Massey McRae Nabors Oliver Salter Scott Walker Ware Webster and T. Williams.

So the bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill, entitled an act to exempt certain property from execution, and for other purposes, was read a second time and referred to the judiciary committee.

The memorial from the senate to the congress of the United States was read the third time and passed. Mr Sanders of L. moved to amend the title by adding the words "and for other purposes" which was adopted. *Ordered*, that the title be as aforesaid: *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act to amend the laws in relation to constables, was read the second time and referred to the judiciary committee.

The bill from the senate entitled an act to authorize and require the en-
campment of the thirty-third regiment of the militia of this State, in the
county of Madison, was read the second time and ordered to a third
reading.

Daniel M. Richardson, a representative from the county of Greene, ap-
peared in the hall of the house of representatives, was qualified and took
his seat.

The engrossed bill entitled an act to alter the law in regard to changes
of venue and for other purposes, was read the third time. Mr Hall of A.
moved to amend the bill by way of the following engrossed rider: "*Pro-
vided*, that this law shall not be so construed as to grant a change of venue
in any case, where wills have already been offered for probate," which was
adopted: and the question being put, shall this pass; it was determined in
the negative. Yeas 14, Nays 55.

The yeas and nays being desired, those who voted in the affirmative, are messrs
Speaker, Ambrester, Creagh, Ellis, Farrar, Hall of A. Harris, Hopkins, Hous-
ton, Jones of T. Lawson, Ormond, Rains and Rather.

Those who voted in the negative, are messrs Barron, Beene, Bonham, Bowin,
Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Da-
vis Dubose, Evans, Fleming, Fortson, Gardner, Gayle, Harkins, Hall of B. Hallett,
Hall of S. Hollis, Horton, Hudson, Jackson, Johnson, Keener, Lee, Massey, Mason,
McDavid, McRae, Miree, Morrisett, Musgrove, Nabors, Norwood, Oliver, Porter,
Price, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sum-
mers, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

At half past one o'clock, Mr Jackson moved that the house adjourn un-
til Monday next, at 10 o'clock, which was carried. Yeas 49, Nays 20.

The yeas and nays being desired, those who voted in the affirmative, are Messrs
Speaker, Beene, Bonham, Bowin, Brickell, Brown of M. Carithers, Carmack,
Chamberlain, Collier, Creagh, Dubose, Evans, Fleming, Fortson, Gardner, Gayle,
Harkins, Hall of B. Hallett, Harris, Hill of S. Hollis, Hopkins, Horton, Houston,
Jackson, Johnson, Jones of T. Keener, Lee, Mason, McDavid, McRae, Morrisett,
Musgrove, Oliver, Ormond, Porter, Price, Rains, Rather, Sa'ter, Sanders of D
Sanders of L. Samners, Webster, M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Ambrester, Barron, Brown of J. Da-
vis, Ellis, Farrar, Hall of A. Hudson, Lawson, Massey, Miree, Nabors, Norwood,
Rhodes, Scott, Simmons, Stewart, Taylor, Walker and Ware.

And then the house adjourned.

Monday, December 23, 1833.—Mr Ware presented the accounts of
Ebenezer D. Pond, which were read and referred to the committee on ac-
counts.

Mr Rains presented the petition of sundry citizens of the county of Ma-
rengo, praying the passage of a law to authorize the establishment of a fer-
ry across the Tombeckbee river, at the residence of Burdet Eskridge,
which was read and referred to the committee on roads, bridges and fer-
ries, to consider and report thereon.

Mr Rains presented the petition of sundry citizens of the county of
Sumpter, praying that William Hall (a half breed of the Choctaw nation
of Indians) may be entitled to all the rights, privileges and immunities of
an American citizen, which was read and referred to the committee on pri-
vileges and elections, to consider and report thereon.

Mr McRae presented the petition of James B. Lockhart, a citizen of
Franklin county, praying that the name of Mary Fletcher Nicholson Ro-
gers be changed to that of Mary Fletcher Nicholson Lockhart, which
was read and referred to a select committee, to consist of Messrs McRae,
Hudson and Rhodes, to consider and report thereon.

Mr Norwood presented the petition of sundry citizens of Jackson coun-
ty, praying the passage of a law to authorize John Fox alias John Bold

ledge to turnpide a certain road therein named, which was read, and on motion of Mr Norwood, referred to a select committee, consisting of Messrs Norwood, McDavid and Webster.

Mr Ambrester presented the petition of James P. Postin, a citizen of Jackson county, praying the passage of a law authorizing him to collect certain debts due him in said county as a physician, and to allow him to practice his profession as a physician without being required to undergo an examination before the Medical Board, which was read and referred to the committee on propositions and grievances.

Mr Massey presented the petition of sundry citizens of St. Clair county, praying the passage of a law authorizing Barnet Claunch to establish a ferry across the Coosa river in said county, which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Hopkins made the following report:—The judiciary committee, to which was referred a resolution asking them to inquire into the constitutionality of allowing to each county in the State separate representation: have had the same under consideration and have instructed me to report, that they understood the proposed enquiry to refer to those counties which have been formed of territory, which previously belonged to other counties, and thus understanding it, they have instructed me to report, that a county thus circumstanced is not entitled to a separate representation unless its numbers entitle it to such representation. The language of the constitution is plain and explicit; there is no room for doubt. We must infer, that the framers of the constitution designed, what their language imports in plain and intelligible terms. The committee, therefore, entertain no doubt, that a county formed from other territory is not entitled to separate representation, unless, in other respects, brought within the pale of the constitution.

Mr Beene moved that said report lie on the table, which was carried.

Mr Musgrove from the committee on county boundaries, to which was referred a resolution instructing them to inquire into the expediency of attaching a part of St. Clair to Jackson county, reported a bill to be entitled an act to attach a part of St. Clair county to Jackson county, which was read a first time and ordered to a second reading.

Mr Musgrove made the following report:—The committee on county boundaries, to which was referred several petitions of sundry citizens of the counties of Morgan, Blount and Walker, praying for the formation of a new county out of a part of the counties of Blount and Walker, as therein described, have had the same under consideration and have instructed me to report, that it is inexpedient at this time to form such county, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Beene made the following report:—The special committee to which was referred so much of the governor's message as relates to the settlers in the new counties, have had the same under consideration, and have instructed me to report:

The committee have been deeply impressed with the importance and delicacy of the question submitted by the subject referred to their charge.

The responsibility of their situation is increased by the reflection, that in addition to their interests of an ordinary nature, the honor and dignity of the State are in an eminent degree involved in the controversy. Every thing which relates to the Indian tribes, and their connexion with the State and general government, is becoming more and more interesting; and the subjects now presented to your committee, in relation to the settlers in the new counties in the Creek country, are of the first importance to every citizen of this State, and of the United States. No less than the lives, liberty and property of thirty thousand persons, now residing on the lands lately purchased by the United States from the Creek Indians within the limits of Alabama, are involved in difficulties growing out of the relations between the State and the general government.

The order of the secretary of war, of the 20th of August last, directing the removal of the entire body of our white population from the ceded territory, was deeply alarming to all upon whom it was to operate, and the ruin and desolation with which that section of the State was threatened, called forth the sympathies and commiseration of our citizens generally throughout the State. The committee are at a loss to perceive upon what grounds the order was predicted, when it was apparent, that the large population which was found in the new counties, had been brought there by the repeated promises of the secretary of war, that they would be permitted to remain until the selections specified in the treaty of 1832, should be located. Even if the government of the United States had the right to remove them, the exertion of that right, after granting the permission, should not have been resorted to, when the consequences would have been so ruinous to the settlers.

But the committee are fully persuaded that the act of 1867, under which, power is claimed to

expel the settlers by military force, cannot operate within the limits of a State, and that it cannot be executed without encroaching upon its rightful jurisdiction.

The application of military force, when the interests or the rights of an individual are in any respects concerned, is repugnant to the nature of our free institutions, and never can be justified but upon the most urgent and imperious necessity. The objects of all good governments are protection and security to the people, in their lives, property and liberty, and these, in every State in the Union, have been sought to be attained by written constitutions, and by mild and equal laws.

A government whose laws are carried into effect without the intervention of courts, by military authority, is a despotism by whatever name it may be called: and if the general government can at pleasure send armed hands of soldiers among our citizens, with powers to investigate their titles to their lands, and to remove them from their possession, as the caprice or the arbitrary will of a subaltern officer may dictate and determine, the State government is wholly incompetent to extend to them the protection to which it is pledged by the solemn injunctions of the constitution, and the laws made in pursuance thereof. The consequences which would inevitably result from the exercise of such power, cannot be contemplated without feelings of dismay and alarm for the permanency of our happy system of government.

Hitherto our people have been accustomed to courts and juries, and no one has ever been removed from his premises by an officer without process founded upon a judgment entered against him, under all the forms and solemnities which belong to judicial proceedings. He has always had, as he is entitled by the constitution, to have the privilege of being heard by himself or his counsel, in open court before a jury of his neighbors, and of having the laws expounded by judges of learning and experience. But whenever the act of 1807 shall be introduced the scene will be changed. A subaltern officer will be his judge, whose decrees will be executed by a licentious and disorderly soldiery. His premises will be invaded and his family insulted by the disorderly intrusions of a military force, and whatever his claims, or his title may be, he will be liable to be driven from them without the semblance of legal investigation. When tracts of public lands are situated in the vicinity of others that have been sold, cases of this kind will frequently and inevitably occur.

Whether a tract of land, be public or private property, is strictly a judicial question, which every citizen has a right to have investigated, according to the known and established forms of law. When the act under consideration was passed, the public domain lay beyond the limits of the States, no laws would reach it but those passed by congress, and it was subject to no jurisdiction but that of the United States.

Whatever regulation might be adopted in relation to the public lands, and however rigorously enforced, no collision was produced with the laws or jurisdiction of any State, and of course no ground of complaint existed. The United States possessed as well the right of property as the right of jurisdiction, but the latter right, in all cases, when the territories were erected into States, was given up and the government thereafter occupied to the States, the relation of a land holder.

The State has as perfect a right to tax the land of the United States as that of an individual, except so far as the same may have been voluntarily surrendered, and it possesses the same power to occupy it for public purposes, as it has to convert the lands of an individual to these uses.

There are necessary rights of sovereignty which cannot be restrained or controlled. The only respect, in which the United States differ from an ordinary land holder, is in the power they have to make rules and regulations for the preservation of their lands, &c.; but these cannot be executed so as to impair the obligation which every State is under to its citizens, to protect them in their constitutional rights. Congress may pass laws to prevent waste upon their lands, but within the limits of a State, no citizen can be dealt with as a trespasser until the fact of trespass is judicially ascertained.

The fifth article of the treaty provides that all intruders shall be removed from the ceded territory, until the land is surveyed, and the selections made, and also, shall in like manner be removed from the selections after they are located and placed in possession of the Indians for the term of five years. Upon this branch of the subject, the committee regret to perceive that arguments have been resorted to and grounds assumed which the secretary of war disclaims.

That officer contends that the reservations will remain public land until the expiration of five years, and claims authority to remove intruders from them under the act of 1807. The committee are apprised, that while it will be admitted that the tracts, reserved to the heads of Indian families, will, after they obtain possession, be their private property, during the period of five years, it will be insisted that the government had the right under the treaty making power, to enter into this stipulation and the public faith is pledged for its faithful execution.

The doctrine that the rightful jurisdiction of a State can be taken away by virtue of a treaty has been so uniformly repudiated by the President, both by his deliberations and his practices, that it could not with any propriety be advanced by the secretary of war. In proof of this, the committee would refer the house to many of the treaties which have been made with the Cherokee and Creek Indians, solemnly pledging the government to protect them against all intrusions and encroachments by the white people.—In the face of all their treaties, the country has been submitted to the jurisdiction, of the States, within whose limits it is embraced. Before the late treaty with the Creeks, the Indians were entirely under the control of our laws, and were to all intents and purposes, citizens of this State. If their reservations are in any degree their private property, a trespass upon any one of them presents an ordinary case of civil injury committed by one citizen upon another, which all will acknowledge can be redressed alone by the State courts.

That these tracts are not public land and of course not embraced by the act of 1807, is conclusively proven by the consideration, that the government cannot in any action of ejectment or trespass, recover them of the persons to whom they are allotted. If a trespass be committed, the right of action is in the allottee, and not the government. If their reservations be public land, the government have the right to sell them, and yet no one will pretend that this can be done. If they are embraced by the act of 1807, the government have the right to take posses-

sion of them, and yet may legal gentlemen agree, that if the marshal were to attempt to remove the allottees, he would be restrained without hesitation by the courts of the United States, as well as this State.

In every possible respect in which the subject can be viewed, the committee believe that no pretext can be furnished for the assumption, that the tracts reserved to the Indians will be public land after they are located. Should the right be conceded to the government to execute the fifth article of the treaty, a state of things will exist in the eight counties which have been formed in the ceded territory, that will be utterly incompatible with the sovereignty of the State.

It is said that there will be seven thousand reservations; the owners of these will constitute at least one half the population. This part of our citizens, then, will be under the protection of military power, while the remainder will have to appeal to the slow process of the civil authorities. If one of our red citizens complain to the marshal that a trespass has been committed on his premises by a white man, he will be immediately redressed by a military guard; but if the red man trespass upon the land of the white citizen, there is no military protection for him. In fact, one half of our population in this quarter will be subject to military rule, while the other will be governed by the laws of the State.

But, as before stated, it is insisted that though the rightful jurisdiction of the State will embrace these sections, it must be given up to the treaty making power conferred by the constitution of the United States, on the president and two thirds of the senate. The committee believe that this doctrine has not been seriously contended for, by the great federal party of our country, since the period of Jay's treaty; and it is to be regretted, that any attempt should be made to revive it now. If the rights of the States can be bartered away by the president and Senate of the United States, in the form of a treaty, there could have been no object in inserting any provisions in the constitution, limiting the general government to certain specific objects, and which were adopted for the security of the States and the people.

According to this principle, it is perfectly in the power of the president and senate of the United States, to change the form of our government. Should there be a future president and senate opposed to slavery, they will have nothing to do, to abolish it in the southern States, but to enter into a treaty stipulation, to that effect with Great Britain.

That government is now engaged in a crusade, in favor of emancipation, and would doubtless concede to us important commercial privileges in order to accomplish so favorite a scheme.

The committee do not deem it necessary to discuss this subject. They have not permitted themselves to believe for a moment, that the house would sanction a doctrine, so utterly subversive of the government itself, and of the liberties of the American people.

The committee recommend for the consideration and adoption of the house, the following resolutions:

1st. *Resolved*, That the order of the secretary of war, directing the removal by military force, of the whole white population, from the counties contained in the territory ceded by the Creek Indians, was unnecessary for the protection of the Indians; that its execution would be destructive of the prosperity of the citizens; subversive of the jurisdiction of the State, and ought not to be carried into effect.

2nd. *Resolved*, That in the opinion of this general assembly, the act of congress of 1877, was not intended to have effect within the limits of the States of the Union; that the execution of the provisions of said act, by military force, would be subversive of the rights of the citizens; destructive of free government, and incompatible with the jurisdiction and sovereignty of the States.

3d. *Resolved*, That the general government has no constitutional power to interfere with the internal municipal affairs of the States; that when the government has parted with the public lands, it has no further control over them, and that trespasses by the citizens of the same State upon the property of each other can be regulated and corrected alone by the laws and authorities of such State.

4th. *Resolved*, That the power conferred by the constitution of the United States upon the president and two thirds of the senate to make treaties is limited and restrained by the grants of power therein contained, and that all treaties which encroach upon the reserved rights of the States are usurpations of power, subversive of the government and destructive of civil liberty.

5th. *Resolved*, That this general assembly do approve of the principles avowed, and the propositions assumed by the governor of this State, in his proclamation dated on the 7th day of October last, addressed to the citizens of the Creek country, and in his recent correspondence with the secretary of war, and that he is hereby authorized and requested to see that the laws and jurisdiction of the State be maintained in full force and effect in said counties.

Mr Jackson moved that the further consideration of the report and resolutions be postponed until the first day of February next.

Mr Bonham then moved a call of the house, when the following members appeared and answered to their names, to wit:

Messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carmack Chamberlain Collier Creagh Davis Dubose Ellis Evans Farrah Fleming Fortson Gayle Harkins Hall of A. Hall of B. Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massay Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rams Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

The further proceedings on said report and resolutions were suspended for one house.

Ordered, that Mr Carithers have leave of absence until Wednesday next. *Ordered*, that Mr Gardner have leave of absence until Friday next.

Mr Brickell made the following report:—The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to organize the county of Coosa, and to locate the seat of Justice; an act to authorize the instruction of certain free persons of color therein described.

Mr Horton from the select committee, to which was referred the petition of the citizens of Erie, reported a bill to be entitled an act to revive, repeal in part and amend an act entitled an act, to incorporate the town of Erie, in the county of Greene, approved the 14th day of December, 1822, which was read a first time and ordered to a second reading.

Mr Hopkins from the special committee, to which was referred the petition of sundry citizens of Madison county, praying the enactment of a law to incorporate a Joint Stock Company to McAdamize the roads therein described, reported a bill to be entitled an act to incorporate the Madison Turnpike Company, which was read a first time, and the constitution—rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee to consider and report thereon.

Mr Jackson moved to refer the bill entitled an act to incorporate the Alabama and Tennessee rail road company, and also, the bill entitled an act to authorize a lottery for the improvement of the public square and streets in the town of Florence, in the county of Lauderdale, to the judiciary committee, which was agreed to.

Mr Stewart moved to refer the bill to establish a rail road therein named, to the judiciary committee which was agreed to.

On motion of Mr Hall of B. it was *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of passing a law, allowing a bounty for the destruction of killing wolves, bears, panthers, &c., with leave to report by bill.

On motion of Mr Walker, it was *Resolved*, That the committee on propositions and grievances, take into consideration the propriety of passing a law more effectually to prevent the burning of the woods at improper seasons of the year, and that they report by bill or otherwise.

On motion of Mr Musgrove, it was *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of discontinuing the election precinct heretofore established at the house of James Spencer, in the county of Blount, and to establish one in lieu thereof at the house of James Childers, in said county, with leave to report by bill or otherwise.

Mr Morrisett introduced a bill, to be entitled an act, making an appropriation for the payment of the members and officers of the present general assembly, which was read and ordered to a second reading.

Mr Sanders of L. introduced a bill, to be entitled an act, to change the time for convening the general assembly of the State of Alabama, which was read and ordered to a second reading.

Mr Bonham offered the following as one of the rules of the house; *Resolved*, That Friday and Saturday of each successive week, will, for the remainder of the session, be set aside for local business; which lies over one day for consideration.

Mr Hall of A. introduced a bill, to continue the election precinct at the town of Washington, in Autauga county, which was read and ordered to a second reading.

On motion of Mr Taylor, it was *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of altering the law which regulates the fees to jailors, for virtualling slaves confined in jail, so as to allow them a greater compensation for such services, than is now allowed by law, with leave to report by bill or otherwise.

Mr Beene introduced a bill, to be entitled an act, to emancipate certain slaves therein named, which was read and ordered to a second reading.

The question recurred on Mr Jackson's motion to postpone the further consideration of the report made this day by Mr Beene until the first day February next.

And then the house adjourned until 10 o'clock to-morrow morning.

Tuesday, December 24, 1833.—A message from the senate by Mr Conner, their secretary; Mr Speaker—The senate concur in the amendment made by the house of representatives, to the joint memorial to the congress of the United States, in relation to pre-emption rights: they concur in the resolution of the house of representatives, proposing to go into the election of a president and twelve directors of the branch of the State bank at Decatur, on Tuesday the 24th instant, at 3 o'clock.

The senate have passed bills of the following titles: an act to amend the charters of the branches of the State bank at Decatur and Montgomery; an act to amend an act entitled an act, to establish a certain road therein named, in which the concurrence of the house of representatives is asked.

They have adopted the following resolution, *Resolved*, That with the concurrence of the house of representatives, the two houses will adjourn *sine die* on Saturday the fourth of January next, at five o'clock.

Mr Hopkins moved, that the further consideration of said resolution be postponed until the fourth day of January next, which was agreed to.

Bills from the senate of the following titles, to wit: an act to amend the charters of the branches of the bank of the State of Alabama, at Decatur and Montgomery; an act to amend in part an act entitled an act to establish a certain road therein named; approved January 2d, 1833, were severally read and ordered to a second reading.

Mr Brickell made the following report:—The committee on enrolled bills have examined and found correctly enrolled, an act further to provide for the sale of the 400,000 acres of land granted to this State for internal improvement.

Mr McRae from the select committee on apportionment, to which was referred a resolution to draft a bill apportioning the senators and representatives of the State, as provided for by the State constitution; reported a bill to be entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts, according to the late census, which was read. Mr Porter moved that the further consideration of the bill be postponed until Saturday next, and seventy-five copies be printed, which was agreed to.

Mr Hopkins made the following report:—The judiciary committee to which was referred a resolution instructing them to inquire into the situation of the Creek Indian Territory, from the year 1829 to 1833, and the several acts regulating and extending jurisdiction over the same, and whether said extension of jurisdiction altered the county boundaries then in existence, and if altered whether it was agreeable to the constitution of the State; have had the same under consideration, and instructed me to report that they have examined the act of 1829, annexing the territory in question to certain counties then in existence, and extending the jurisdiction of the State over it. They do not consider the question of the constitutionality of the act of 1829 now open, as the Supreme Court of the State has, on two occasions in which the act aforesaid came in question, affirmed its constitutionality. They are also of opinion that even if the highest judicial tribunal in the State, had not acted on the subject, that it does not belong to the legislative department of the government, to expound the law; the only mode in which they can express their disapprobation of a law is by repealing it, but the act in question has ceased to exist by the act of last session creating counties in the Creek country—and there is nothing now in which an act of the legislature could operate.

The act in question having thus received the sanction of a previous legislature, having been since acquiesced in and acted on, and having also received the sanction of the Supreme court, the committee cannot perceive any plausible ground to impeach its constitutional sanction. They are therefore of opinion that by the annexation of the territory in question, to the adjoining counties, that the boundary of the counties then in existence was altered, and that the act of the legislature must be deemed constitutional.

Mr Harris moved that the further consideration of the report be postponed until Saturday next, which was agreed to.

Mr Morrisett, from the committee on propositions and grievances, to whom was referred the petition of Solomon Evans, reported a bill to be entitled an act for the relief of Solomon Evans, which was read and ordered to a second reading.

Mr Hopkins, from the judiciary committee, to whom was referred a bill, to be entitled an act, exempting certain property from execution and for other purposes, reported the same without amendment, and that it is inexpedient to pass the bill. Mr Norwood moved the previous question; the question was, shall the call for the previous question be sustained, and passed in the affirmative. Yeas 62, nays 7.

The yeas and nays being desired, those who voted in the affirmative, are messrs Armbruster, Barron, Beene, Bonham, Bowin, Brickell, Brown of J. Brown of M. Carnack, Chamberlain, Collier, Creagh, Davis Dubose, Ellis, Evans, Farrar, Fleming, Fortson, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. Hill of S. Hollis, Hopkins, Houston, Hudson, Johnson, Jones of M. Jones of T. Keener, Lawson, Massey, Mason, McDavid, McRae, Miree, Morrisett, Musgrove, Nabors, Norwood, Ormond, Porter, Price, Rains, Rather, Rhodes Richardson, Salter, Sanders L. Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, and M. D. Williams.

Those who voted in the negative, are messrs Speaker Horton, Jackson, Lee, Oliver, Sanders of D. and Scott.

The question was then put to concur with the report of the committee and lost. Yeas 32, nays 37.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbruster Barron Brickell Brown of J. Carnack Collier Creagh Fortson Hall of B. Hallett Harris Hollis Horton Houston Hudson Johnson Keener Lawson McDavid McRae Musgrove Norwood Ormond Porter Rains Rhodes Sanders of L. Simmons Stewart Webster and M. D. Williams.

Those who voted in the negative are messrs Beene Bonham Bowin Brown of M. Chamberlain Davis Dubose Ellis Evans Farrar Fleming Gayle Harkins Hall of A. Hill of H. and D. Hill of S. Hopkins Jackson Jones of M. Jones of T. Lee Massey Mason Miree Morrisett Nabors Oliver Price Rather Richardson Salter Sanders of D. Scott Sumners Taylor Walker and Ware.

The bill was then referred to a select committee, to consist of messrs Ellis, Webster and Creagh.

Mr Morrisett made the following report: The committee on propositions and grievances, to whom was referred the petition of sundry citizens of Franklin county, praying the establishing an election precinct in said county, have had the same under consideration, and have directed me to report that in the opinion of your committee, the subject of the petition is proper for the consideration of the committee on privileges and elections, and asked leave to be discharged from the further consideration of the subject; which was granted. On motion of Mr Hudson, the petition was then referred to the committee on privileges and elections.

Mr Hall of A. presented the petition of sundry citizens of Autauga county praying that a new beat be established in said county, and an election precinct at Milton in said county, which was read and referred to the committee on privileges and elections.

The house resumed the consideration of Mr Beene's report and resolutions, made on the subject of the settlers on the Creek lands.

The house adjourned until Thursday at 10 o'clock.

Thursday, December 26, 1833.—Mr Harris presented the petition of sundry citizens of Limestone county, praying the passage of a law to construct a rail road from Athens, to such point on the Tennessee river, within the limits of said county, as may be deemed most eligible, which was read

and referred to the representation of said county, to consider and report thereon.

Ordered, that messrs T. Williams and Brown of M. have leave of absence until to-morrow.

Mr Speaker laid before the house, the record and proceedings of the circuit court of Walker county, exercising jurisdiction in chancery in the case of Jesse Hoblins against Jinny Hoblins for divorce, which was read and referred to the committee on divorce and alimony.

Mr Fleming presented the petition of sundry inhabitants of Madison county, praying that the Indian creek canal may be enlarged, which was read and referred to the representation from Madison county.

Mr Carithers presented the petition of sundry citizens of Jefferson county, praying the passage of a law to authorize the commissioners' court, to levy a tax to build a new jail in said county, which was read and referred to a select committee: whereupon, messrs Carithers, Brown of J. and Ellis were appointed said committee.

Mr Chamberlain presented the petition of the president of the branch of the bank of the State at Mobile, praying that the charter of said bank may be amended, which was read and referred to the committee on the State Bank.

Mr Brown of J. presented the account of James Kelly, of Jefferson county, which was read and referred to the committee on accounts.

Ordered, that mr Nabors have leave of absence until Monday next.

Mr Sanders of L. presented the petition of Polly Sublet, administratrix of William Sublet, deceased, praying the passage of an act to authorize her to make title to certain lands therein named, which was read and referred to a select committee: whereupon, messrs Sanders of L. Brickell and Harris were appointed said committee.

Mr Chamberlain presented the petition of sundry citizens of the city of Mobile, praying the passage of a law to compel successful claimants of property, to pay the price of improvements, which was read and referred to the judiciary committee.

Mr Davis presented the petition of sundry citizens of the town of Centreville, in Bibb county, praying the passage of a law to incorporate the trustees of the Centreville academy, in said county, which was read and referred to a select committee, to consist of messrs Davis, Sumners and Hill of S.

Mr Carithers presented the account of the sheriff of Jefferson county, which was read and referred to the committee on accounts.

A message from the senate by mr Conner, their secretary: Mr Speaker; The senate have passed bills of the following titles, to wit: an act for the relief of the members of Franklin fire engine company No. three, of the city of Mobile; an act to declare a certain water course in Benton county, a public highway; an act to organize the militia of certain counties therein named; an act to make that part of Byler's turnpike road in the county of Tuscaloosa, a county road; an act to provide for the printing and distribution of the laws and journals of this State; in which the concurrence of the house of representatives is asked.

Bills from the senate of the following titles, to wit: an act for the relief of the members of the Franklin fire engine company No. three, of the city of Mobile; an act to declare a certain water course in Benton county, a public highway; an act to organize the militia of certain counties therein named; an act to make that part of Byler's turnpike road in Tuscaloosa county, a county road; and an act to provide for the printing and distribu-

tion of the laws and journals of this State; were severally read a first time and ordered to a second reading.

Mr Fleming made the following report: The joint military committee, to which was referred the quarter-master general's report, have had the same under consideration, and have examined the arms and accoutrements therein stated, and beg leave to report that they have examined and find in good order one thousand and eighty four muskets, one thousand and eighty four bayonets, 117 bayonet belts, 78 catrouch boxes, 205 catrouch belts, 163 bayonet scabbards, 15 rifles 15 powder flasks, 15 shot-bags, one piece of artillery, with gun carriage complete, 2 screw-drivers, 20 sabres for cavalry, 62 sabre belts, 106 artillery swords; and would recommend to the serious consideration of the legislature, the necessity of causing a more permanent and safe provision for the preservation of the public arms, by the erection of small arsenals at this place. Mr Fleming moved that the report be referred to the military committee, which was carried.

Mr Hall of B. from the committee on roads, bridges and ferries, to whom was referred the petition of Samuel Haraway and others, praying the legislature to appoint commissioners to alter that part of the State road, leading from Athens in Limestone county to Florence, from Addison Beuford's to Elk river, reported it inexpedient to grant the prayer of the petitioners, as the subject is one which does not properly belong to the legislative department. *Ordered*, that said report lie on the table.

Mr Hopkins from the judiciary committee, to which was referred a resolution that directed the committee to inquire into the expediency of so altering the constitution, as to allow the people of their respective counties, to elect their county court judges, reported that it is inexpedient so to alter the constitution. Mr Creagh moved that the report lie on the table, which was carried.

Mr Fleming introduced a bill to be entitled an act, supplemental to an act, to incorporate the merchant's insurance company of Huntsville, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to the judiciary committee.

Mr Keener introduced a bill to be entitled an act, to authorize Harrel Hobdy, sheriff of Barbour county, to keep his office in the town of Louisville in said county, which was read and ordered to a second read.

Mr McRae from the select committee, to which was referred the petition of James B. Lockhart, reported a bill to be entitled an act, to change the name of Mary Fletcher Nicholson Rogers, to that of Mary Fletcher Nicholson Lockhart, which was read and ordered to a second reading.

Mr Morrisett from the committee on propositions and grievances, to whom was referred the bill entitled an act to dispose of the old digests, reported that it is inexpedient to pass the law. Mr Carmack moved to refer the bill to a select committee, which was lost. The report was then concurred in.

Mr Jackson from the committee on the State Bank, to whom was referred the report of the president and director of the branch of the bank of the State of Alabama, reported a bill to be entitled an act for compensating George S. Gaines, agent of the State of Alabama, for negotiating State loan, which was read and ordered to a second reading.

Mr Barron introduced a bill to be entitled an act, for the relief of infants, which was read the first time; and the rule requiring bills to be read on three several days being dispensed with, it was then read the second time forthwith and referred to the judiciary committee.

Mr Musgrove offered the following resolution: *Resolved*, that with the

concurrence of the senate, the two houses will assemble in the representative hall on to-morrow at half past 3 o'clock, for the purpose of electing a judge of the county court for Blount county. Mr Jackson moved to amend the resolution, by striking out the word "three," to insert the word "six," which was carried. The resolution as amended, was then adopted. *Ordered*, that the clerk acquaint the senate therewith.

Mr Simmons introduced a bill to be entitled an act, to authorize the citizens of the town of Wetumpka, on the west side of the Coosa river, to elect a justice of the peace and constable for that part of said town, which was read and ordered to a second reading.

Mr Norwood introduced a bill to be entitled an act, to revive the act incorporating the town of Bellefont, which was read and ordered to a second reading.

Mr Ware introduced a bill to be entitled an act, to permanently fix the seat of justice for the county of Tallapoosa, which was read and ordered to a second reading.

Mr Porter introduced a bill to be entitled an act, to emancipate certain persons therein named, which was read the first time; and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to the committee on emancipation.

Mr Musgrove called up the report of the committee on education, in relation to the 16th sections of land. Mr Musgrove moved to commit the report to the same committee, which was agreed to.

The house then proceeded to the consideration of the orders of the day.

The house resumed the consideration of mr Jackson's motion, to postpone to the first day of February next, the report of the select committee, appointed on the subject of the settlers on the Creek lands. Mr Jackson asked leave to withdraw his motion, which was granted. Yeas 48, nays 18.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Beene Bowin Brown of J. Carmack Chamberlain Davis Dubose Evans Fleming Fortson Gayle Harkins Harris Hill of H. and D. Hill of S. Hopkins Horton Jackson Jones of M. Jones of T. Keener Lee Massey Mason McDavid Miree Musgrove Oliver Ormond Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Walker Ware Webster and M. D. Williams.

Those who voted in the negative, are messrs Armbrester Bonham Brickell Carithers Collier Creagh Ellis Farrar Hall of A. Hall of B. Hallett Houston Hudson Johnson McRae Morrisett Norwood and Taylor.

Mr Hudson moved that the further consideration of the report and resolutions, be postponed until the first day of March next.

Mr Porter moved that the house adjourn until to-morrow at 10 o'clock, which was lost. Yeas 8, nays 58.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Bonham Bowin Collier Ellis Evans Hallett Keener and Porter.

Those who voted in the negative, are messrs Speaker Armbrester Barron Beene Brickell Brown of J. Carithers Carmack Chamberlain Creagh Davis Dubose Farrar Fleming Fortson Gayle Harris Harkins Hall of A. Hall of B. Hill of H. & D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Norwood Oliver Ormond Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster and M. D. Williams.

The question re-curred on mr Hudson's motion, when mr Lee moved a call of the house, when the following members appeared and answered to their names, to wit:

Messrs Speaker Armbrester Barron Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill

of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

The house then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The house again resumed the consideration of mr Hudson's motion, to postpone to the first day of March next, mr Beene's report and resolutions, on the subject of the settlers on the Creek lands, which was carried. Yeas 30, nays 25.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Ambrester Brickell Carithers Carmack Collier Creagh Farrar Fleming Harkins Hall of A. Hallett Hopkins Houston Hudson Jones of M. Jones of T. Massey Mason McDavid McRae Morrisett Norwood Ormond Rather Sanders of L. Stewart Sumners Taylor Walker and Webster.

Those who voted in the negative, are messrs Speaker Barron Beene Bowin Chamberlain Evans Fortson Gayle Harris Hill of H. and D. Hill of S. Jackson Keener Lee Miree Oliver Porter Price Rhodes Richardson Salter Sanders of D. Simmons Ware and M. D. Williams.

Mr Porter moved that the orders of the day be suspended for the present, which was agreed to.

Mr Porter offered to introduce "joint resolutions in relation to the settlers on the Creek lands," which mr Speaker decided to be out of order, as that subject had already been acted on: from which decision, mr Porter appealed. Yeas 59, nays 7.

Those who sustained the Chair, are messrs Ambrester Barron Beene Bowin Brickell Brown of J. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Massey Mason McDavid McRae Miree Morrisett Musgrove Norwood Ormond Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker Ware Webster and M. D. Williams.

Those who voted against the decision of the Chair, are messrs Bonham Gayle Keener Lee Oliver Porter and Scott.

Mr Oliver moved a call of the house, when the following members appeared and answered to their names, to wit:

Messrs Speaker Ambrester Barron Beene Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

The house took into consideration, the rule offered by mr Bonham; mr Brickell moved the following amendment, strike out all after the word "resolved," and insert the following: "that from and after the 30th instant, the house will convene regularly at 7 o'clock, p. m. for the purpose of acting upon all bills of a local and private nature; and this rule shall continue in force until all such bills shall have received the final action of the house," which was lost. The question re-curred upon the adoption of the rule, and carried.

The house took into consideration the report of the judiciary committee, on the subject of the supplemental return of the census of Mobile county, which report was concurred in. Yeas 34, nays 32.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Ambrester Beene Brown of J. Carithers Chamberlain Collier Davis Evans Farrar Fleming Gayle Hall of A. Hallett Harris Hill of H. and D. Hopkins Johnson Jones of M. Massey Mason McDavid McRae Norwood Porter Rains Rhodes Salter Sanders of D. Sanders of L. Scott Walker Webster and M. D. Williams.

Those who voted in the negative, are messrs Barron Bonham Bowin Brickell Carmack Creagh Dubose Ellis Fortson Harkins Hall of S. Hollis Horton Houston Hudson Jackson Jones of T. Keener Lee Mince Morrisett Musgrove Oliver Ormond Price Rather Richardson Simmons Stewart Summers Taylor and Ware.

Mr Ormond, who voted in the majority on concurring with the report of the committee, on the subject of the settlers on the Creek lands, moved to re-consider the vote, which was carried. Yeas 50, nays 7.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Ambrester Burron Becne Bonham Bowin Brickell Brown of J. Carithers Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Hall of H. and D. Hall of S. Hollis Hopkins Horton Houston Jackson Johnson Keener Lee Mincey Mason McRae Mince Morrisett Musgrove Oliver Ormond Porter Price Rams Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and M. D. Williams.

Those who voted in the negative, are messrs Carmack Collier Harris Hudson Jones of M. Jones of T. McDavid and Norwood.

The absent members were excused for non-attendance on Mr Oliver's call of the house.

The house then adjourned until tomorrow at 10 o'clock.

Friday, December 27, 1823 — Mr Hall from the committee on lands appropriated for internal improvement, to which was referred the bill entitled an act, to permit the entry of certain lands therein named, at the land office at Courtland, reported an amendment by adding a proviso at the end of the bill. Mr Hopkins moved that the bill be re-committed, with instructions to so amend it as to appoint commissioners to re-value the land, which was carried.

A message from the senate, by Mr Conner: Mr Speaker—The senate have rejected a bill from the house of representatives, entitled an act to repeal an act, entitled an act, to amend the several acts in relation to 16th sections. They have adopted the following resolution: *Resolved*, that with the concurrence of the house of representatives, the two houses will assemble in the representative hall on Tuesday next, at the hour of three o'clock, for the purpose of electing a solicitor for the first judicial circuit. They concur in the resolution of the house of representatives, proposing to go into the election of a judge of the county court of the county of Blount, and have amended the same by striking out the words "to-morrow at half past," and insert "Tuesday next at 3 o'clock;" and also, they have added for the counties of Marion and Covington, after the word "Blount," in which amendments the concurrence of the house is asked.

The senate have passed bills of the following titles: an act to emancipate and set free from the bonds of slavery, certain slaves therein named; an act to fix the salaries of the several bank officers of this State; joint memorial of the senate and house of representatives of the State of Alabama, to the congress of the United States; an act to organize a legion of volunteers, for the city and county of Mobile; and an act to prevent the introduction and sale of lottery tickets in this State. In all of which, the concurrence of the house of representatives is asked.

Ordered, that the house concur in the resolution of the senate, proposing to go into the election of a solicitor of the first judicial circuit.

Ordered, that the house concur in the amendments made by the senate, to the resolution proposing to elect a judge of the county court for Blount county. *Ordered*, that the clerk acquaint the senate therewith.

Bills from the senate of the following titles, to wit: an act to emancipate and set free from the bonds of slavery, certain slaves therein named; an act to fix the salaries of the several bank officers

Joint memorial of the senate and house of representatives of the State of

Alabama to the Congress of the United States, were severally read a first time and ordered to a second reading.

The bill from the senate entitled an act, to organize a legion of volunteers for the city and county of Mobile, was read the first time and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the military committee.

The bill from the senate entitled an act, to prevent the introduction and sale of lottery tickets in this State, was read the first time. Mr Mason moved that the further consideration of the bill, be postponed to the first day of March next, which was lost. Yeas 3. nays 61.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Lee Mason and Scott.

Those who voted in the negative, are messrs Speaker Ambrose Barron Beene Bonham Bowin Brickell Brown of J. Carithers Carmack Chamberlain Creagh Davis Dabose Ellis Evans Farrar Fleming Fortson Gardner Gayle Haskins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Massey McDavid McRae Muce Morrisett Musgrove Norwood Oliver Ormond Potter Price Ruess Risher Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Taylor Walker Ware Webster and T. Williams.

And the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to the judiciary committee.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, to incorporate the Madison turnpike company, reported the same without amendment. It was ordered to be engrossed and made the special order of the day for its third reading to morrow.

Mr Hadson made the following report: The committee on lands appropriated for internal improvement, to which was referred the petition of L. V. Cummings, praying compensation for certain improvements made by him on the north half of the east half of the north west quarter of section twenty-six, township No. two and range No three west, which land seems from the certificate of the register of the land office at Courtland, to have been entered through mistake; have had the same under consideration, and have instructed me to report that the subject matter contained in said petition, properly belongs to the judiciary committee. Your committee would therefore, respectfully ask leave to be discharged from the further consideration thereof, and recommend its reference to the judiciary committee. The committee were discharged and the petition referred to the judiciary committee.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, to incorporate the Alabama and Tennessee rail road company, reported sundry amendments, which were adopted. The bill was ordered to be engrossed and made the special order of the day for its third reading on to-morrow.

Mr Hopkins from the same committee, to which was referred the Moulton rail road company bill, reported the same without amendment. It was ordered to be engrossed and made the special order of the day, for its third reading on to-morrow.

The same committee, to which was referred a resolution requiring said committee to inquire into the expediency of passing a law, requiring the secretary of State, to distribute to each one of the trustees of the University of Alabama, one of the acts of the general assembly of this State, and one for each succeeding year hereafter; and also, one of Aikin's digest, reported that it is inexpedient to pass such a law; in which report the house concurred.

The same committee, to which was referred a resolution instructing said

committee, to inquire into what change if any may be necessary in the present existing laws, regulating the fees of the judges of the county courts in this State, reported that no amendment is necessary; in which report, the house concurred.

Mr Simmons presented the petition of sundry inhabitants of Autauga county, praying to discontinue and establish certain election precincts therein named, which was read and referred to the committee on privileges and elections.

Mr Davis from the select committee, to which was referred the petition of sundry citizens of Bibb county, reported a bill to be entitled an act, to incorporate the trustees of Centreville academy, in the county of Bibb, which was read and ordered to a second reading.

Mr Hallett from the committee on accounts, to which was referred the bill entitled an act, for the relief of the tax collector of Tallapoosa county, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

Mr Jackson from the select committee, to which was referred the bill entitled an act, for the relief of the purchasers of the University lands, reported an amendment, which was adopted. Mr Hopkins moved to postpone the further consideration of the bill till Monday next, and that seventy three copies be printed, which was agreed to.

Mr Keener offered the following resolution: *Resolved*, That this house will receive all supplemental returns that may be introduced by any person authorized to take the census in any county in this State, before the final action of this house has been had, apportioning the representation of the different counties of this State. Mr Rather moved to postpone the further consideration of the resolution to the first day of February next, which was lost. Yeas 22, nays 42

The yeas and nays being desired, those who voted in the affirmative, are messrs Barron Bonham Bowin Brickell Carmack Collier Creagh Gardner Hill of S. Houston Hudson Jones of T. Keener Lee Massey Miree Musgrove Norwood Rather Scott Stewart and Ware.

Those who voted in the negative, are messrs Speaker Armbruster Beene Brown of J. Carithers Chamberlain Davis Dubose Ellis Evans Fleming Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hollis Hopkins Horton Jackson Johnson Jones of M. Mason McDavid McRae Oliver Ormond Porter Price Rains Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Taylor Walker Webster M. D. Williams and T. Williams.

Mr Fleming moved that the resolution lie on the table, which was carried. Yeas 41, nays 24.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbruster Beene Brickell Brown of J. Carithers Carmack Davis Evans Farrar Fleming Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. Hill of S. Hopkins Hudson Jackson Jones of M. Massey Mason McDavid McRae Oliver Ormond Porter Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Walker Webster M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Barron Bonham Bowin Chamberlain Collier Creagh Dubose Fortson Hollis Horton Houston Johnson Jones of T. Keener Lee Miree Musgrove Norwood Price Rather Simmons Stewart Taylor and Ware.

Ordered, that Mr Sumners have leave of absence until Monday next.

The bill entitled an act, for the relief of Nancy C. Neely, was read a second time. Mr Morrisett moved to amend it by way of the following proviso: *Provided*, that nothing in this act shall operate so as to prejudice the rights of creditors which may have already accrued, which was lost. The bill was ordered to be engrossed for a third reading.

The Bill from the senate entitled an act, to add a part of the county of

Montgomery to the county of Macon, was read the second time and referred to the committee on county boundaries.

Engrossed bills of the following titles, to wit: an act for the relief of the Perseverance fire engine company No. one, of the city of Mobile; an act to further provide for the payment of grand and petit jurors in the county of Shelby, St. Clair and Barbour; an act to change the times of holding the county courts of Marion; an act to fix the number of jurors to be drawn for the circuit court of Jefferson county and for other purposes; an act to secure the payment of tales jurors in the county therein named; an act authorizing the judge of the county court and commissioners of roads and revenue of the county of Franklin, to levy a county tax; an act to authorize William Hollinger to erect a toll bridge; an act to repeal the third, fourth and fifth sections of an act, in relation to a road leading from D. Lewis', in originally Pike, but now Barbour county, approved January 20, 1830; and also, the entire act upon the same subject and in relation to the same road, approved January 4, 1832; an act to amend the different acts establishing a land office at Courtland; an act to repeal an act, approved on the 2d January, 1833, requiring the judge of the county court of Covington and Blount counties, to reside within five miles of the county site; an act for the relief of William Martin, late assessor and collector of the county of Dale; an act to incorporate the Montgomery rail road company; an act to amend an act entitled an act, to incorporate the Tusculumbia, Courtland and Decatur rail road company; and an act for the relief of John Mangon, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, to provide for the further organization of the counties of Randolph, Benton, Chambers, Talladega, Coosa, Tallapoosa, Macon, Russell and Barbour, was read the second time and referred to the military committee.

The bill from the senate entitled an act, to organize the militia of certain counties therein named, was read the second time and referred to the military committee.

The bill entitled an act, to authorize the building of a court-house in Montgomery county, was read the second time and referred to a select committee, to consist of messrs Oliver, Scott and Ware.

The bill entitled an act, for the relief of the commissioners of public buildings in the county of Wilcox, was read the second time and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Bills of the following titles, to wit: an act in relation to the town of Lowndesborough, in the county of Lowndes; an act supplemental to an act, to amend an act to incorporate the town of Montgomery, approved January 15, 1828; an act to change the time of holding the commissioners courts of roads and revenue, in the county of Washington, were severally read the second time and ordered to be engrossed for a third reading.

The bill entitled an act, for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county, was read the second time and referred to a select committee, to consist of messrs Hudson, Nabors and Hill of S.

The bill entitled an act, to establish a certain regiment in the seventh division of Alabama militia therein named, was read the second time and referred to the military committee.

The house then adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.—Bills of the following titles, to wit: an act to adjust and settle the claims of William Jordan, for services rendered the county of Washington; an act for the relief of the tax collector of Madison county; an act to locate the seat of justice for the county of Henry; an act authorizing a lottery for the improvement of a road therein named, passed the 17th December, 1832; an act to authorize Peyton Bibb, to erect a wharf on the Alabama river, at a place therein named; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Blount to levy a special tax for the building of a new courthouse and jail, in the town of Blountsville, for said county; an act for the relief of William Hester, tax collector of Franklin county; an act to amend an act entitled an act for the accommodation of purchasers of sixteenth sections and donated lands, passed November 17, 1832; an act to provide for the appointment of a commissioner in the county of Benton; an act further to extend the time for the relief of Sterling E. Harrison, were severally read the second time and order to be engrossed for a third reading.

The bill entitled an act to appropriate the money arising from the sale of lots, to the use of the public buildings in Monroe county, was read the second time and referred to the representation of Monroe county.

The bill entitled an act to change the time of holding the county courts of certain counties therein named, was read the second time. Mr Evans moved to amend the bill by way of proviso, which was adopted; the bill was ordered to be engrossed for a third reading.

The bill from the senate entitled an act to organize the militia of Clarke county, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act to emancipate certain slaves therein named, was read the second time and referred to the committee on emancipation.

Engrossed bills of the following titles, to wit: an act to form a company beat of militia, of a less number of privates than forty men, in the county of Tuscaloosa, and an act providing additional compensation for the judge of the county court of Baldwin county, were severally read the third time and passed. *Ordered*, that their title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill entitled an act to levy a tax upon the cattle of non-residents of certain counties therein named, was read the third time. Mr Mason moved that the further consideration of the bill be postponed until to-morrow, which was lost. The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to authorize William Wilson to emancipate certain slaves therein named, was read the second time. Mr Hudson moved to amend the first section of the bill by inserting after the word "remove" the words "within one year" which was adopted, and the bill ordered to be engrossed for a third reading.

Bills of the following titles, to wit: an act to incorporate the town of Decatur, and an act prescribing the mode of removing obstructions to the navigation of Paint Rock River, were severally read the second time and referred to the judiciary committee.

The bill entitled an act authorizing a lottery for the benefit of Washington Lodge, No. 35, of ancient Free Masons, was read the second time. Mr Hudson moved to amend it by striking out the names of Micajah Tar-

ver, P. B. Whiting and Armstead Barton, with a view to insert the names of T. S. Pone, John T. Abernathy and John M. Lewis, which was adopted. The bill was ordered to be engrossed for a third reading. Yeas 30, Nays 21.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Ambrester Beene Brown of J. Collier Davis Evans Fleming Hall of A. Harris Hill of H. and D. Horton Hudson Jackson Johnson Keener Massey Mason McDavid Musgrove Oliver Porter Price Rhodes Richardson Sanders of L. Scott Simmons Taylor Ware and M. D. Williams.

Those who voted in the negative, are messrs Speaker Bonham Brickell Carithers Carmack Chamberlain Creagh Fortson Gardner Harkins Hopkins Jones of T. Mirree Norwood Ormond Rains Rather Salter Stewart Walker and T. Williams.

The bill entitled an act to reduce the number of days that hands shall be subject to work on public roads in the county of Blount, and for other purposes, was read the second time. Mr Rather moved that the bill be indefinitely postponed, which was lost. Yeas 20, Nays 33.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Bonham Brickell Davis Ellis Gardner Harris Hopkins Jackson Jones of T. Massey Mirree Morrisett Ormond Rains Rather Richardson Salter Sanders of D. Scott and T. Williams.

Those who voted in the negative, are messrs Speaker Ambrester Beene Brown of J. Carithers Carmack Chamberlain Evans Fleming Fortson Harkins Hall of A. Hallett Hill of H. and D. Horton Hudson Johnson Mason McDavid McRae Musgrove Norwood Oliver Porter Price Rhodes Sanders of L. Simmons Stewart Taylor Walker Ware and M. D. Williams.

The bill was referred to a select committee, whereupon Messrs Musgrove, Johnson and Walker were appointed said committee.

And then the house adjourned until 7 o'clock this evening.

Night Session, 7 o'clock.—On motion of Mr Brickell, it was *Resolved*, That the clerk of this house be authorized to employ a sufficient number of clerks, to aid the engrossing clerk, until he shall have brought up the business now before him.

The house then adjourned until 10 o'clock to-morrow.

Saturday, December 28, 1833.—Mr Porter moved that the resolutions inviting Mr William M. Price within the bar of this house, to be heard on the subject of his manual labor school, together with sundry resolutions and proceedings in relation to keeping order in the gallery whilst Mr Price was speaking during the session of last night, be expunged from the journals of this house, which was carried. Yeas 48, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Ambrester Barron Bonham Bowin Brickell Brown of J. Carithers Carmack Chamberlain Creagh Evans Farrar Fleming Gardner Gayle Harkins Hall of B. Hallett Harris Hill of H. and D. Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Musgrove Norwood Porter Price Rather Richardson Sanders of D. Scott Simmons Taylor Walker Webster M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Fortson Hill of S. Hudson Oliver Ormond Rains Rhodes Salter Sanders of L. Stewart and Ware.

Mr Speaker laid before the house, a document purporting to be charges and specifications against the judge of the county court of Pike county, for *mal conduct* in office, which was read and referred to the judiciary committee to consider and report thereon.

Mr McRae presented the petition of Henry M. Lewis and John L. McRae, praying to discontinue and establish an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Farrar presented the petition of sundry citizens of St. Clair county, praying to establish an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Keener presented the petition of sundry citizens of Barbour county, praying that the county site may be continued at the town of Clayton, which was read and referred to the committee on privileges and elections.

Mr Keener presented the petition of sundry citizens of the county of Barbour, praying the passage of a law to incorporate the town of Louisville in said county, which was read and referred to a select committee; whereupon messrs Keener, Evans and Hill of H. and D. were appointed said committee.

Mr Salter presented the petition of sundry inhabitants of Conecuh county, praying to establish an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Chamberlain presented the petition of Ralph Canter and others, citizens of the city of Mobile, praying said Canter may be appointed an auctioneer in said city, which was read and referred to the committee on propositions and grievances.

Mr Hudson presented the account of D. R. Garland, a citizen of Franklin county, which was read and referred to the committee on accounts.

Mr Hallett presented the petition of sundry citizens of the Mobile Hook and Ladder fire company of the city of Mobile, praying extra privileges, which was read and referred to the committee on propositions and grievances.

Mr Musgrove, from the committee on county boundaries, to which was referred the bill from the senate, entitled an act to add a part of the county of Montgomery to the county of Macon, reported the same without amendment and recommend its passage; the bill was then read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Mr Houston from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Marengo and Sumpter counties, reported that the prayer of the petitioners ought not to be granted, as it appears from the petition that the county court has already established a ferry within one mile and a quarter of the place where the one is asked to be established by the petition, in which report the house concurred.

The same committee, to whom was referred, the petition of Barnett Claunch, praying the establishment of a ferry at his landing on the Coosa river, reported it inexpedient to legislate on the subject, as it comes fairly within the jurisdiction of the county court to grant the prayer of the petition, in which report the house concurred.

Mr Oliver from the select committee, to which was referred the bill entitled an act to authorize the building of a court house in Montgomery county, reported several amendments which were concurred in; the bill was ordered to be engrossed for a third reading.

Mr Hall of B. from the committee on roads, bridges and ferries, to which was referred the petition of Henry Funderburke, reported that the prayer of the petitioner ought not to be granted, as the subject is one which is properly under the control of the county court, in which report the house concurred.

Mr Hall of B. made the following report; the committee on roads, bridges and ferries, to which was referred the bill entitled an act to repeal an act therein mentioned, have had the same under consideration and have instructed me to report, that they have carefully examined the documents which were referred with the bill, and have come to the conclusion that the ferry granted to Leonard Abercrombie in the county of Dallas, is a great public convenience, and that therefore the passage of the bill repealing the act under which it is kept, is inexpedient, in which report the house concurred. Yeas 49; Nays 12.

The yeas and nays being demanded, those who voted in the affirmative, are messrs

Speaker Armbrester Barron Bonham Bowin Brickell Brown of J. Carithers Gaymark Couch Davis Edis Farrar Fortson Gardier Hall of B. Hallett Harris Hill of H & D. Hill of S. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Keener Lee Massey Mason Miree Morrisett Oliver Ormond Porter Price Rains Rather Richardson Sanders of D. Scott Simmons Stewart Walker Ware Webster M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Beene Chamberlain Evans Gayle Harlins Hall of A. Jones of T. Lawson McRae Musgrove Norwood and Taylor.

A message was received from the governor by James I. Thornton, which is as follows:—Mr Speaker, I am requested by the governor to inform your honorable body, that he did on the 18th instant, approve and sign, an act to continue in force an act entitled an act to establish a public road from the house of John Gandy, in Morgan county, to Baltimore or Morgan's Springs, in Blount county, passed 23d December, 1822, also a bill to be entitled an act to continue in force an act entitled an act to establish a public road from near Baltimore, in Blount county, to where it intersects the Blountsville road to Tuscaloosa, near the town of Elyton, in Jefferson county, passed December 9th, 1823; an act to permanently locate the seat of justice in the county of Talladega; an act to appoint a commissioner for the county of Russell, to fill the vacancy occasioned by the death of Hardeman Owens; an act to change the time of holding the county courts for the county of Benton; an act to make valid the act of the commissioners appointed to locate the seat of justice in the county of Barbour; and on the 23rd an act to authorize the instruction of certain persons of color therein described, and on the 27th, an act to organize the county of Coosa, and to locate the seat of justice; an act to provide for the payment of jurors of the county of Pickens, and an act further to provide for the sale of the 400,000 acres of land, granted to this State for internal improvements; all of which originated in the house of representatives.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act to incorporate a company to build a toll bridge across the Coosa, at Wetumpka, reported sundry amendments which were concurred in; the bill was ordered to be engrossed for a third reading.

Mr Harris from the select committee, to which was referred the petition of sundry citizens of the county of Limestone, reported a bill to be entitled an act to incorporate the Athens rail road company, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to the judiciary committee.

Mr Evans offered the following resolution, *Resolved*, That the speaker of the house be requested to issue his subpoenas to the several witnesses named in the charges against the Judge of the county court of Pike county, requiring their immediate attendance before the house. Mr Scott offered the following amendment, strike out all after the word "*Resolved*," with a view to insert the following, "That the judiciary committee, to whom is referred the charges presented to this house, against the judge of the county court of Pike county, be authorized to send for persons and papers," which was lost. Mr Jackson moved the following amendment, "and to appoint a special messenger to execute the same." Mr M. D. Williams moved that the resolution lie on the table, which was lost. The question recurred on Mr Jackson's amendment and carried; the resolution as amended was then adopted.

Engrossed bills of the following titles, to wit: an act to incorporate the Alabama and Tennessee rail road company; an act to establish the Moulton rail-road company, and an act to incorporate the Madison turnpike company,

were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Bills of the following titles, to wit: an act to divorce certain persons therein named, and an act to repeal an act for the relief of the sheriff of St. Clair county, were severally read the second time and ordered to be engrossed for a third reading.

The bill entitled an act to incorporate the Cahawba and Marrio railroad company, was read the second time and referred to the judiciary committee.

The bill entitled an act to authorize the summoning of a jury for the fourth and fifth weeks of the circuit court of Mobile county, was read the second time and referred to a select committee, consisting of Messrs Chamberlain, Hallet and Creagh.

Mr Hopkins, from the judiciary committee, to which was referred the bill entitled an act to amend an act incorporating the town of Huntsville, passed January 9th, 1828, reported the following amendment after the words "for each ward" in the first section add the words "who shall be residents of the wards in which they may be elected at the time of their election" which was adopted; the bill was ordered to be engrossed for a third reading.

The bill from the senate entitled an act to divorce Mary S. Brooke from her husband Edward F. Brooke, was read the second time and referred to the committee on divorce and alimony.

The bill entitled an act to compel the attendance of jurors summoned at the instance of the Tennessee canal commissioners, and for other purposes, was read the second time, and the rule being dispensed with, it was read the third time forthwith and passed. Yeas 56, nays 2.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Ambrester Barron Beene Bowin Brickell Brown of J. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fortson Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Jackson Jones of T. Keener Lee Massey Mason McDavid McRae Mirce Morrisett Musgrove Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Taylor Walker Ware Webster M. D. Williams and T. Williams.

Those who voted in the negative are messrs Hudson and Lawson.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Carmack, who voted in the majority on ordering the bill entitled an act incorporating a company to build a toll bridge across the Coosa river at Wetumpka, moved to reconsider the vote, which was carried. Mr Beene moved to amend the first section of the bill by way of proviso, at the end of the first section, which was adopted. Mr Hill of S. moved to amend the bill by striking out the word "steam" to insert the word "ferry" which was adopted. Mr Ware moved to amend it by inserting after the word "Rogers" insert "Joseph A. Green" which was carried. Mr Porter moved that the bill lie on the table, which was carried.

The house then adjourned until Monday 10 o'clock.

Monday, December 30, 1833 —A message from the senate by Mr Conner, their secretary—Mr Speaker, the senate have passed bills of the following titles from the house of representatives: an act for the relief of master builders and mechanics in the State of Alabama, and an act regulating the mode of taking constables bonds, which they have amended as herewith shewn, in which amendment they ask the concurrence of the house of representatives.

Ordered, that the house concur in the amendments made by the senate to the bill entitled an act regulating the mode of taking constables bonds.

By inserting after the word "with" the words "at least two." *Ordered*, that the clerk acquaint the senate therewith.

Ordered, that Mr Horton have leave of absence until Wednesday next.

Mr Bonham presented the petition of T. W. Matthews, of Wilcox county, on the subject of the public arms, which was read and referred to the military committee.

Mr Ormond offered the following resolution, *Resolved*, That the committee on accounts be instructed to inquire into the compensation proper to be allowed to John G. Aikin, Esq., for superintending the printing, comparing the proof sheets and making an index to the new digest, and also for digesting the acts of the last session and called session of the legislature, as provided by an act of the last legislature, with leave to report by bill or otherwise, which resolution was adopted.

Mr Taylor presented the petition of sundry inhabitants of Fayette county, on the subject of the public roads, which was read and referred to the committee on roads, bridges and ferries.

Mr Speaker laid before the house the record and proceedings of the circuit court of Mobile county, exercising jurisdiction in chancery, in the case of Ellen Foster against John Foster, for divorce; which was read and referred to the committee on divorce and allimony.

Mr McDavid presented the petition of sundry inhabitants of Jackson county, praying that Henry Blancet be permitted to retail spirits in said county without a licence, which was read and referred to the committee on propositions and grievances.

Mr McDavid presented the petition of sundry inhabitants of the county of Jackson, on the subject of the navigation of Paint Rock River, which was read and referred to the judiciary committee.

Mr Sanders of L. from the select committee, to which was referred the petition of Polly Sublett, administratrix of William Sublett, deceased; reported a bill to be entitled an act to authorize Polly Sublett, administratrix of William Sublett, deceased; to make title to a certain tract of land therein named, which was read and ordered to a second reading.

Mr Ormond introduced a joint resolution, which was read the first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read the second time forthwith. Mr Rather moved that it lie on the table, which was lost. The question was then shall the resolution be read a third time forthwith, which was lost; there not being a constitutional majority voting in favor of the suspension. Yeas 51, nays 15.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Carithers Carmack Chamberlain Collier Ellis Evans Fleming Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Mason McRae Mize Morrisett Musgrove Norwood Oliver Ormond Pegues Price Rains Rhodes Richardson Sanders of D. Scott Stewart Walker Ware Webster M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Bowin Creagh Davis Dubose Fortson Gardner Hall of B. Hollis Lee Porter Rather Salter Sanders of L. Simmons Taylor.

Mr Jackson moved that the resolution be made the special order of the day for its third reading to-morrow.

A message was received from the governor by James I. Thornton, which is as follows:

Executive department, Tuscaloosa, December 30th, 1833.

I have the honor to inform the general assembly that the honorable John M. Taylor, has resigned the office of judge of the supreme court. The resignation is to take effect on the 31st instant. It is desirable that this vacancy be filled at an early period, as the session of the supreme court will be commenced on Monday next. The office of judge of the county court of Butler county has also become vacant by the resignation of the honorable — Cook. JOHN GAYLE.

Ordered, that said message lie on the table.

Mr Ellis from the select committee, to which was referred the bill entitled an act, exempting certain property from execution and for other purposes, reported a substitute in lieu thereof. Mr Hudson moved that the bill be postponed till the first day of August next, which was lost. Yeas 31, nays 40.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Ambrester Brickell Brown of J. Carmack Chamberlain Collier Creagh Fortson Gardner Harkins Hall of B. Hallett Harris Hollis Houston Hudson Johnson Keener Lawson McDavid McRae Musgrove Norwood Ormond Porter Rhodes Sanders of L. Simmons Stewart and Webster.

Those who voted in the negative, are messrs Barron Beene Bonham Bowin Brown of M. Carithers Davis Dubose Ellis Evans Farrar Fleming Gayle Hall of A. Hill of H. and D. Hill of S. Hopkins Jackson Jones of M. Jones of T. Lee Massey Mason Miree Morrisett Oliver Pegues Price Rains Rather Richardson Salter Sanders of D. Scott Sumners Taylor Walker Ware M. D. Williams and T. Williams.

The question was then to concur in the report of the committee, which was to adopt the substitute and carried. Yeas 36, nays 35.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Barron Bonham Bowin Brown of M. Carithers Davis Dubose Ellis Evans Farrar Fleming Hall of A. Hill of H. and D. Hill of S. Hopkins Jones of M. Jones of T. Massey Mason Miree Morrisett Oliver Pegues Price Rains Rather Richardson Salter Sanders of D. Scott Sumners Taylor Walker Ware and T. Williams.

Those who voted in the negative, are messrs Ambrester Beene Brickell Brown of J. Carmack Chamberlain Collier Creagh Fortson Gardner Gayle Harkins Hall of B. Hallett Harris Hollis Houston Hudson Jackson Johnson Keener Lawson Lee McDavid McRae Musgrove Norwood Ormond Porter Rhodes Sanders of L. Simmons Stewart Webster and M. D. Williams.

The bill was then referred to the judiciary committee.

A message from the senate by mr Conner, their secretary: Mr Speaker; The senate have adopted the following resolution, in which they ask the concurrence of the house of representatives: *Resolved*. That with the concurrence of the house of representatives, the two houses will convene in the representative hall at 3 o'clock, p. m. of this day, for the purpose of electing a president and fourteen directors for the branch of the bank of the State of Alabama at Mobile. In which resolution, the house concurred.

The house then proceeded to the consideration of the orders of the day.

The house then resumed the consideration of mr Hudson's motion, to postpone to the first day of March next, the report and resolutions made by mr Beene, on the subject of the settlers on the Creek lands.

The house then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—Mr Ormond introduced a bill to be entitled an act, to regulate the mode of computing interest in certain cases, which was read and ordered to a second reading.

Mr Brown of J. introduced a bill to be entitled an act, to organize and continue in office certain officers in the thirteen company of the fifteenth regiment of Alabama militia, in Jefferson county, which was read and ordered to a second reading.

On motion of mr Sanders of D. it was *Resolved*, That the senate be informed that the house of representatives is now ready to receive them in the hall, for the purpose of electing a president and fourteen directors for the branch of the bank of the State of Alabama at Mobile. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall, were seated, and both houses then proceeded to the election of the president of the branch of the bank of the State of Alabama at Mobile. George S. Gaines alone being in nomination.

Those who voted for mr Gaines are messrs President Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Vining and Wilkinson.

of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

George S. Gaines having received all the votes given, mr Speaker, therefore, declared him duly elected president of the branch of the bank of the State of Alabama at Mobile.

The two houses then proceeded to the election of fourteen directors for the branch of the bank of the State of Alabama at Mobile.

Messrs Billups Gayle, David Crawford, S. P. Bullard, Thomas Casey, Henry Bright, S. V. V. Schuyler, J. D. Fuller, Charles Cullum, James W. Roper, B. H. Rutland, William Austin, Duke Goodman, James G. Lyon, George W. Cummings, Calvin Norris, Platt Bull, James A. Torbert, J. B. Toulmin, John C. Sims, David White, William Jones, jr. John K. Collins, Thomas Strang, George M. Rives, Joseph Bates, jr. William F. Cleaveland, Seaborn Travis, John Rugely, J. F. Ross, Charles Irby and George Starr being in nomination.

Those who voted for mr Gayle, are messrs President Barclay Chapman Coopwood Guild Hill Hogan Lyon McVay Pickett and Vining of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Brown of J. Carithers Chamberlain Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Hill of H. and D. Johnson Jones of M. Jones of T. Lawson Lee Mason McDavid Miree Musgrove Nabors Norwood Oliver Pegues Rains Rhodes Richardson Salter Sanders of D. Sanders of L. Summers Ware Webster M. D. Williams and T. Williams.

Those who voted for mr Crawford, are messrs President Ash Barclay Brown Hogan Lane Lyon McVay Vining and Walthall of the senate.—Representatives, messrs Speaker Ambrester Beene Brown of M. Collier Creagh Davis Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Hill of H. and D. Hopkins Jackson Johnson Mason McDavid McRae Nabors Norwood Ormond Rains Rhodes Salter Sanders of L. Summers Walker Webster and M. D. Williams.

Those who voted for mr Bullard, are messrs President Brown Chapman Hogan Pickett and Wilkinson of the senate.—Representatives, Carithers Chamberlain Creagh Evans Gayle Harkins Hall of A. Hallett Hill of H. and D. Jackson Lee and Morrisett.

Those who voted for mr Casey, are messrs President Ash Barclay Brown Coopwood Guild Hemphill Hill Hogan Irwin Lyon McVay Morton Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carmack Chamberlain Collier Davis Evans Farrar Fortson Gardner Gayle Harkins Hall of A. Hallett Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Massey McDavid McRae Morrisett Musgrove Nabors Norwood Pegues Price Rains Rhodes Richardson Sanders of L. Scott Stewart Summers Walker M. D. Williams and T. Williams.

Those who voted for mr Bright, are messrs President Hogan Lyon and Wilkinson of the senate.—Representatives, messrs Beene Carmack Chamberlain Collier Creagh Farrar Gayle Harkins Hallett Hopkins Morrisett Ormond Porter Rains Richardson and Salter.

Those who voted for mr Schuyler, are messrs President Ash Barclay Chapman Guild Hogan Irwin Lyon McVay Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Beene Brown of M. Carmack Chamberlain Collier Davis Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Hill of H. and D. Hopkins Jackson Massey Mason McDavid McRae Musgrove Nabors Norwood Ormond Rains Rhodes Salter Sanders of L. Taylor Walker Webster and M. D. Williams.

Those who voted for mr Fuller, are messrs Ash Brown Hogan Lane McVay and Morton of the senate.—Representatives, messrs Brickell Brown of M. Carithers Carmack Chamberlain Evans Farrar Hallett Harkins Harris Hill of H. and D. Hill of S. Hudson Jackson Lee Massey McRae Miree Morrisett Musgrove Nabors Porter Sanders of L. Simmons Summers and Taylor.

Those who voted for mr Cullum, are messrs Hogan Irwin McVay Pickett and Vining of the senate.—Representatives, messrs Beene Brown of M. Carithers Chamberlain Collier Davis Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Jackson Lawson Lee Mason McDavid McRae Morrisett Nabors Norwood Ormond Sanders of L. Stewart Walker M. D. Williams and T. Williams.

Those who voted for mr Roper, are messrs President Barclay Brown Hill Hogan Irwin McVay Pickett and Vining of the senate.—Representatives, messrs Beene Carithers Chamberlain Collier Davis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Hill of H. and D. Hill of S. Harris Massey Mason McDavid McRae Morrisett Nabors Norwood Ormond Price Walker Webster and M. D. Williams.

Those who voted for mr Rutland, are messrs President Barclay Brown Hemphill Hogan Morton Phillips Pickett and Vining of the senate.—Representatives, messrs Ambrester Barron Beene Bonham Bowin Carmack Chamberlain Dubose Ellis Farrar Fleming Gayle Harkins Hall of A. Hall of B. Hallett Hollis Houston Hudson Johnson Jones of M. Jones of T. Keener Lee McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Price Porter Rather Rhodes Richardson Sanders of D. Scott Simmons Stewart Summers Taylor Walker Ware and T. Williams.

Those who voted for mr Austin, are messrs President Hogan Irwin and McVay of the senate.

Representatives, Chamberlain Davis Evans Gayle Harkins Hallett Hopkins Jackson Johnson Lawson Mason McDavid Norwood Ormond Porter Sanders of L. Webster and M. D. Williams.

Those who voted for mr Goodman, are messrs President Ash Barclay Brown Guild Hogan McVay Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Evans Farrar Fleming Harkins Hall of A. Hallett Hill of H. and D. Hill of S. Hollis Hopkins Johnson Massey Mason McDavid McRae Morrisett Musgrove Oliver Ormond Pegues Porter Rhodes Salter Scott Simmons Taylor Walker Webster and M. D. Williams.

Those who voted for mr Lyon, are messrs Ash Brown Chapman Coopwood Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Brickell Brown of J. Carmack Chamberlain Collier Creagh Davis Ellis Evans Fleming Gayle Hall of A. Hall of B. Harris Hopkins Houston Jackson Jones of M. Jones of T. Massey Mason McDavid Morrisett Musgrove Ormond Price Rains Rather Sanders of L. Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Cummings, are messrs Hogan and Lyon of the senate.—Representatives, messrs Harkins and Lawson.

Those who voted for mr Norris, are messrs Brown Chapman Coopwood Lane Morton Phillips and Pickett of the senate.—Representatives, messrs Armbruster Beene Bonham Bowin Brown of J. Chamberlain Ellis Farrar Fleming Fortson Gardner Hall of B. Hallett Harris Hill of S. Hollis Hudson Jackson Jones of M. Keener Lawson Mason McDavid McRae Miree Norwood Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D. Scott Simmons Stewart Sumners Ware and Webster.

Those who voted for mr Bull, are messrs Creagh and Fortson.

Those who voted for mr Torbert, are messrs President Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Lane Lyon McVay Vining and Wilkinson of the senate.—Representatives, messrs Barron Bonham Bowin Brickell Brown of J. Brown of M. Collier Creagh Davis Dubose Ellis Evans Fortson Gardner Gayle Hall of A. Hall of B. Harris Hill of H. and D. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Miree Morrisett Musgrove Nabors Norwood Ormond Pegues Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Taylor Webster and T. Williams.

Those who voted for mr Toulmin, are messrs President Ash Barclay Brown Chapman Coopwood Guild Hemphill Irwin Lane Lyon Morton Phillips and Wilkinson of the senate.—Representatives, messrs Barron Beene Bowin Brickell Carmack Collier Creagh Dubose Ellis Fortson Gardner Hall of B. Harris Hill of S. Hollis Hopkins Houston Hudson Jones of M. Jones of T. Keener Morrisett Nabors Pegues Porter Price Rains Rather Rhodes Richardson Salter Scott Simmons Stewart Sumners Taylor Ware and T. Williams.

Those who voted for mr Sims, are messrs Barclay Coopwood Guild Hemphill Hill Irwin Lane Morton Phillips Vining and Wilkinson, of the senate.—Representatives, messrs Barron Brown of J. Carithers Fortson Gardner Gayle Hudson Johnson Jones of T. Lawson Lee Miree Musgrove Oliver Richardson Sumners M. D. Williams and T. Williams.

Those who voted for mr White, are messrs Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Creagh Davis Dubose Ellis Fleming Fortson Gardner Hall of A. Hall of B. Harris Hill of H. and D. Hill of S. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lee Massey McRae Miree Morrisett Nabors Norwood Oliver Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker and Webster.

Those who voted for mr Jones, are messrs President Ash Barclay Brown Coopwood Guild Hemphill Hill Lane Phillips and Wilkinson of the senate.—Representatives, messrs Speaker Barron Beene Bonham Brickell Brown of J. Chamberlain Creagh Ellis Farrar Fortson Gardner Hill of S. Hollis Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Miree Nabors Oliver Price Rather Rhodes Richardson Sanders of D. Simmons Stewart Walker Ware M. D. Williams and T. Williams.

Those who voted for mr Collins, are messrs Ash Chapman Coopwood Hemphill Hill Morton and Phillips of the senate.—Representatives, messrs Armbruster Bonham Bowin Creagh Ellis Fleming Hall of B. Harris Hopkins Houston Hudson Johnson Jones of M. Jones of T. Keener Lawson Massey McDavid Porter Price Rather Sanders of D. Scott Simmons Stewart Taylor Ware and T. Williams.

Those who voted for mr Strang, are messrs Hemphill Hill Irwin Phillips and Pickett of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Dubose Evans Farrar Gardner Gayle Hall of A. Hall of B. Hill of H. and D. Hill of S. Hollis Houston Johnson Jones of M. Keener Lawson Mason McDavid McRae Miree Musgrove Oliver Pegues Porter Rather Rhodes Richardson Salter Sanders of D. Scott Simmons Stewart Walker Ware Webster M. D. Williams and T. Williams.

Those who voted for mr Rives, are messrs Coopwood Hemphill Irwin Morton Phillips and Pickett of the senate.—Representatives, messrs Armbruster Barron Bonham Bowin Brickell Dubose Hall of B. Hill Hollis Keener Lee Miree Nabors Ormond Pegues Rather Richardson Sanders of D. Scott Stewart Taylor and Ware

Those who voted for mr Bates, are messrs Ash Barclay Brown Chapman Coopwood Hemphill Hill Irwin Lane Lyon McVay Morton and Phillips of the senate.—Representatives, messrs Speaker Armbruster Barron Bonham Bowin Brickell Brown of M. Carithers Carmack Collier Creagh Dubose Ellis Fleming Hall of B. Harris Hill of H. and D. Hill of S. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Taylor Walker Ware and Webster.

Those who voted for mr Cleaveland, are messrs Chapman Guild Hemphill Hill Lyon McVay Morton Phillips and Pickett of the senate.—Representatives, messrs Speaker Armbruster Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Collier Dubose Ellis Flem

Fortson Gardner *Harkins* Hall of A. Hall of B. Harris Hill of H. and D. Hill of S. Hollis Houston Hudson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McRae Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Price Rains Rather Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Ware M D Williams and T Williams.

Those who voted for Mr Travis, are messrs President Guild Hill Lane *M*orton Vining and Wilkinson of the senate.—Representatives, messrs Speaker Barron Bonham Brown of J Brown of J Carithers Collier Creagh Davis Dubose Ellis Fortson Gardner Hall of B Hollis Houston Hudson Jones of T Keener Lawson Lee Miree Nabors Oliver Pegues Price Rains Salter Sanders of D Simmons Stewart Sumners Taylor Ware M D Williams and T Williams.

Those who voted for Mr Rugely, are messrs Chapman Coopwood Hemphill Irwin Lane Morton and Phillips of the senate.—Representatives, messrs Speaker Barron Beene Bonham Bowin Brickell Brown of J Brown of M Carithers Carmack Chamberlain Davis Dubose Ellis Evans Fortson Gardner Hall of B Harris Hollis Houston Hudson Keener Lawson Lee McRae Miree Musgrove Nabors Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D Sanders of L Scott Simmons Stewart Sumners Taylor Ware Webster and M D Williams.

Those who voted for Mr Ross, are messrs Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon Morton and Vining of the senate.—Representatives, messrs Speaker Armbruster Bowin Brickell Brown of J Carithers Collier Davis Dubose Farrar Fleming Hall of B Hallett Harris Hill of H. and D. Hill of S Hollis Hopkins Houston Jackson Jones of M. Jones T. Keener Lawson Massey Mason Cliver Ormond Porter Rains Rather Richardson Salter Sanders of D. Sanders of L. Scott Simmons Taylor Walker and Ware.

Those who voted for Mr Irby, are messrs Ash Chapman Lane Lyon and Wilkinson of the senate. Representatives, messrs Barron Bonham Brickell Brown of M. Carmack Collier Dubose Fortson Gardner Harris Hill of S Massey Mason Morrisett Musgrove Norwood Pegues Price Rains Sumners Webster and T Williams.

Those who voted for Mr Starr, are Mr Guild of the senate.—Representatives, messrs Collier Hopkins Jones of T Sumners and T. Williams.

Messrs Gayle, Casey, Rutland, Goodman, Lyon, Torbert, Toulmin, White, Jones, Strang, Bates, Cleaveland, Rugely and Ross, having received a majority of the votes given, Mr Speaker, therefore, declared them duly and constitutionally elected directors of the branch of the bank of the State of Alabama at Mobile.

The senate then withdrew, and the house adjourned until to-morrow at 10 o'clock.

Thursday, December 31, 1833.—A message from the senate by Mr Conner, their secretary: Mr Speaker—The senate have passed bills of the following titles, which originated in the house of representatives, to wit: an act for the relief of William Martin, late assessor and collector of the county of Dale; an act to change the time of holding the county courts in the county of Marion; an act to fix the number of jurors to be drawn for the circuit court of Jefferson county and for other purposes; an act to secure the payment of tales jurors, in the county therein named; an act authorizing the judge of the county court and commissioners of roads and revenue of the county of Franklin, to levy a county tax; an act to repeal an act, approved on the 2d January, 1833, requiring the judge of the county court of Covington and Blount counties, to reside within five miles of the county site.

Mr Creagh presented the petition of the executor of William Murrell, deceased, late of Clarke county, on the subject of the execution of a negro slave named Dave, which was read and referred to the committee on propositions and grievances.

Mr Keener presented the petition of sundry inhabitants of Barbour county, on the subject of the location of the seat of justice of said county, which was read and referred to the committee on privileges and elections.

Mr Keener from the select committee, to which was referred the petition of sundry citizens of the town of Louisville, in the county of Barbour, reported a bill to incorporate the town of Louisville, in Barbour county; which was read and ordered to a second reading.

Mr Norwood from the committee on divorce and alimony, to which was referred the bill from the senate to divorce Mary S. Brooke from her husband Edward F. Brooke, reported the bill without amendment, which was ordered to a third reading.

Mr Brickell made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act for the relief of master builders and mechanics in the State of Alabama: an act regulating the mode of taking constables bonds.

Mr Brickell introduced a bill to be entitled an act to incorporate Athens Lodge No. 16 of Ancient free masons, which was read and ordered to a second reading.

Mr Beene Introduced a bill to be entitled an act to authorize George Bruice of Dallas county, to emancipate a certain slave therein named, which was read the first time. and the rule being dispensed with, it was read the second time forthwith, and referred to the committee on emancipation.

Mr Taylor introduced a bill to be entitled an act to compensate the commissioners of revenue and roads of the county of Fayette; which was read and ordered to a second reading.

Mr Ware introduced a bill to be entitled an act to make the Tallapoosa river a lawful enclosure; which was read and ordered to a second reading.

Mr. Hudson introduced a bill to be entitled an act to form a company beat of militia, of a less number of privates than forty, in the county of Franklin; which was read and ordered to a second reading.

Mr Richardson introduced a bill to be entitled an act to define and mark the line between the counties of Greene and Pickens; which was read and ordered to a second reading.

Mr Massey introduced a joint memorial to the congress of the United States, asking the appropriation of twenty thousand dollars, for the purpose of opening a road from Ashville, in the county of St. Clair, through the Cherokee nation, to the State of Georgia; which was read the first time and ordered to a second reading.

On motion of mr Lawson, *Resolved*, that with the concurrence of the senate, the two houses will convene in the hall of the house of representatives, on Wednesday, the first day of January, 1834, at 3 o'clock, for the purpose of electing a president and twelve directors, of the branch of the bank of the State of Alabama at Decatur. *Ordered*, that the clerk acquaint the senate therewith.

Mr McRae called up the bill entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census; the bill being on its first reading. Mr McRae moved that it be referred to the committee on apportionment, with instructions so to amend it as to fix the ratio at 2800. A division of the question being called for by mr Jackson, the vote was first taken on the reference and lost.—Yeas 23; nays 42.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Brickell Carmack Chamberlain Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Norwood Ormond Rather Rhodes Richardson Sanders of L. Stewart Taylor Walker and Webster.

Those who voted in the negative, are messrs Barron Beene Bonham Bowin Brown of J. Brown of M. Carithers Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Hill of H. and D. Hollis Jones of T. Keener Lawson Lee Massey Miree Morrisett Musgrove Nabors Pegues Porter Price Rains Sanders of D. Scott Simmons Sumners Ware M. D. Williams and T. Williams.

The bill was then placed among the orders of the day.

Mr Harkins offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the State tax one third of the present rate of taxation, with leave to report by bill or otherwise; which was rejected.

Mr Bonham introduced a bill to be entitled an act to repeal in part an act

entitled an act to authorize the judge of the county court, and commissioners and roads of revenue of Wilcox county, to levy an extra tax for the purpose of building a jail in said county; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read the second time forthwith, and referred to a select committee: whereupon, messrs Bonham, Lawson and Pegues were appointed said committee.

On motion of mr Fortson: *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of discontinuing an election precinct at the store of George Johnson, deceased, and establishing one at the store of William Kennedy; one at the house of James Derden; one at the store of Hemphill and Tindall, in the county of Greene; and also, one at the store house of Thomas Haynes, in Perry county.

Mr McDavid presented the petition of sundry inhabitants of Jackson county, on behalf of Easter V. Jolly, wife of William Jolly, which was read and referred to the judiciary committee.

Mr Beene presented the petition of George Bowin, a citizen of Dallas county, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on emancipation.

Mr Hopkins asked leave to be discharged from the select committee, appointed to examine into the affairs of the University, which was granted. *Ordered*, that mr Ormond be appointed on said committee.

A message was received from the senate by mr Conner: Mr Speaker—The senate have adopted the following resolution: *Resolved*, That with the consent of the house of representatives, the two houses will on this day, (Tuesday) the 31st December, at the hour of 3 o'clock, assemble in the representative hall, for the purpose of electing a judge of the supreme court of this State, to fill the vacancy of the honorable John M. Taylor, resigned. Mr Bonham moved to amend the resolution, by striking out the words "Tuesday this day," to insert the word "Thursday." Mr Armbruster moved that the resolution be postponed until Thursday next, which was lost. The question re-curred on mr Bonham's amendment and carried. The resolution as amended, was then adopted. *Ordered*, that the clerk acquaint the senate therewith.

The house again resumed the consideration of mr Hudson's motion, to postpone to the 1st day of March next, the report and resolutions made by the committee appointed on that part of the governor's message, in relation to the Creek settlers.

The house then adjourned until 3 o'clock this evening.

Evening session, 3 o'clock.—On motion of Mr. Hallett, *Resolved*, that the senate be now invited to assemble in the representative hall, for the purpose of going into the election of a solicitor for the 1st judicial circuit, and judges of the county courts for the counties of Blount, Marion and Covington. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall and taken their seats, the two houses then proceeded to an election for solicitor for the first judicial circuit. Isaac H. Irwin and Benjamin Brent Breedin being in nomination.

Those who voted for mr Irwin, are messrs President Guild Hogan Lyon McVay Pickett Venable and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Beene Brown of 4 packle Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Harris Hitt Hill of H E D Hopkins Jackson Lea Mason McDavid Musgrave Norwood. Rains Rhoads Sanders of L. Scott Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Breedin, are messrs Anderson Ash Barclay Chapman Cooperswood Hill Hill Irwin Lane and Phillips of the senate.—Representatives, messrs Barron Bonham Brown Brickell Carithers Dubose Gardner Hall of B Hill of S Hollis Horton Houston Hudson Johnson Jones of M Jones of T. Keener Lawson Massey McKee McKee Nabors Ormond Pegues Rather Rhodes Sanders of D. Simmons Stewart Summers Taylor and Ware.

Mr B. B. Breedin having received a majority of the votes given, he was declared by mr Speaker, duly and constitutionally elected solicitor of the first judicial circuit.

The two houses then proceeded to the election of a judge of the county court for the county of Blount. Robert B. D. Middleton and Maston Mead being in nomination.

Those who voted for mr Middleton, are messrs President Ash Barclay Brown Coopwood Guild Hogan Lane McVay Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Brickell Brown of J Carmack Chamberlain Davis Ellis Farrar Fleming Fortson Gardner Gayle Hall of A Harkins Harris Hill of H & D Hill of S Horton Houston Johnson Jones of M Jones of T Lawson Lea Mason Massey McDavid McRae Miree Musgrove Nabors Norwood Price Rather Rhodes Richardson Salter Simmons Stewart Sumners Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Mead, are messrs Anderson Chapman Hemphill Hill Irwin Lyon and Phillips of the senate.—Representatives, messrs Bonham Bowen Carithers Evans Hallett Hollis Hopkins Hudson Jackson Keener Ormond Rains Sanders of D Sanders of L Scott Taylor and Ware.

Mr Middleton having received a majority of the votes given, was therefore declared by mr Speaker, duly and constitutionally elected judge of the county court for Blount county.

The two houses then proceeded to elect a judge of the county court for the county of Marion. John W. Terrell, jr. alone being in nomination.

Those who voted for mr Terrell, are messrs President Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lyon McVay Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Bonham Bowen Brickell Brown of J Carithers Carmack Chamberlain Creagh Davis Ellis Farrar Fleming Fortson Gardner Gayle Harkins Hall of A Hallett Harris Hill of H & D Hill of S Hollis Hopkins Houston Hudson Jackson Johnson Jones of M Jones of T Keener Lawson Massey Mason McDavid McRae Miree Musgrove Nabors Ormond Price Rains Rather Rhodes Richardson Salter Sanders of D Sanders of L Scott Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr. Terrell having received all the votes given, mr Speaker therefore declared him duly and constitutionally elected judge of the county court for the county of Marion.

The two houses then proceeded to the election of a judge of the county court for Covington county. Josiah Jones being in nomination.

Those who voted for mr Jones, are messrs President Ash Barclay Chapman Coopwood Hemphill Irwin Lane Lyon Phillips Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Bonham Bowen Brickell Brown of J Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A Hallett Harris Hill of H & D Hill of S Hollis Hopkins Houston Hudson Jackson Johnson Jones of M Jones of T Keener Lawson Massey Mason McDavid McRae Miree Musgrove Ormond Price Rains Rather Rhodes Richardson Salter Sanders of D Sanders of L Scott Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr. Jones having received all the votes given, was declared by Mr Speaker, duly and constitutionally elected judge of the county court for Covington county.

The senate then withdrew, and the house adjourned until to-morrow, 10 o'clock.

Wednesday, January 1st, 1834.—A message was received from the senate by mr. Conner—Mr. Speaker, the senate have passed a bill of the following title, in which they ask the concurrence of the house of representatives, to wit: an act to require the sheriff of Madison county to hold an election for an assessor and tax collector, for the year 1834. They have also passed a bill which originated in the house of representatives, to wit: an act to amend the different acts establishing a land office at Courtland. They have rejected bills which originated in the house of representatives of the following titles, viz: an act to levy a tax upon the cattle of non-residents of certain counties therein named; an act for the relief of the commissioners of public buildings in the county of Wilcox.

Mr Keener introduced a bill to be entitled an act, making it the duty of the commissioners of roads and revenue of the counties of Barbour, Russell, Chambers, Talladega and Macon, to select one quarter section of land for the counties above mentioned; which was read the first time, and the

rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and referred to the delegation from the counties of Pike, Montgomery, Autauga, Shelby St. Clair, Sumter and Henry.

Mr Ware presented the memorial of John Goldthwaite and others, on the subject of a steam-boat wharf at the town of Montgomery, which was read. *Ordered*, that the said memorial lie on the table.

Mr Gayle presented the petition of sundry inhabitants of Dallas county, praying that Selden McMeans be permitted to practice medicine without license, which was read and referred to a select committee, to consist of messrs Gayle, Scott and Ware.

The bill from the senate entitled an act, to require the sheriff of Madison county, to hold an election for an assessor and tax collector for the year 1834, was read the first time; and the rule being dispensed with, it was read the second time forthwith and made the order of the day, for its third reading on Friday next.

Mr Carithers from the select committee, to which was referred the petition of sundry citizens of Jefferson county, reported a bill to be entitled an act, to authorize the judge of the county court and commissioners of roads and revenue, for the county of Jefferson, to levy a special tax for building or repairing a jail in said county, which was read the first time; and the rule being dispensed with, it was read the second time forthwith and ordered to be engrossed for a third reading.

Mr Norwood from the special committee, to whom was referred the petition of John Baldridge and others, reported a bill to be entitled an act, to authorize John Baldridge and his associates, to turnpike a road therein named, which was read and ordered to a second reading.

Mr McRae introduced a bill to be entitled an act, to incorporate the Tusculum rail road insurance company, which was read the first time; and the rule requiring bills to be read on three several days being dispensed with, it was then read the second time forthwith and referred to the judiciary committee.

Mr Hudson from the select committee, to which was referred the bill entitled an act for the relief of Thomas W Smith, late clerk of the circuit court of Shelby county, reported the same without amendment; the bill was ordered to be engrossed for a third reading.

Mr Horton made the following report: The committee on the State capital, to which was referred a resolution instructing them to inquire into the legality of the expenditure for enclosing and furnishing the capital with furniture, have had the same under consideration, and have instructed me to report that they have been unable to find any law to authorize the enclosing the State capitol. They find a resolution of the last session, authorizing the purchase of a Chandelier and Chairs of a certain description, to wit: Split shuck or rush bottomed. How far the present furniture of this house corresponds with the resolution, they have left to the house to judge; they ask leave to be discharged from the further consideration of the resolution. Mr Morrisett moved to postpone the consideration of the report till Monday next, which was carried.

Mr Hill of H. and D. introduced a bill to be entitled an act, to alter the times of holding the circuit courts for the 6th circuit, which was read the first time; and the rule being dispensed with, it was read the second time forthwith and referred to the delegation of the different counties in the 6th circuit.

Mr Lee introduced a bill to be entitled an act, to change the time of

holding the circuit courts of the second judicial circuit, which was read the first time. Mr Bonham moved that the further consideration of the bill be postponed until Monday next, which was carried.

A message from the senate by mr Conner, their secretary: Mr Speaker; The senate concur in the amendments made by the house, to the resolution to elect a judge of the supreme court, by inserting Thursday the 2d January, and have amended the amendment by adding at 12 o'clock, in which they ask the concurrence of the house. They concur in the resolution of the house, proposing to elect a president and twelve directors of the branch bank at Decatur.

Ordered, that the house concur in the amendment made by the senate, to the resolution proposing to go into the election of a judge of the supreme court, by striking out "three" to insert "twelve," so that it will read 12 o'clock instead of three o'clock. *Ordered*, that the clerk acquaint the senate therewith.

A joint resolution for the relief of certain persons therein named, was read the third time, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

On motion of mr Creagh: *Resolved*, That five members of the judiciary committee, shall constitute a quorum to do business.

Mr Stewart offered the following resolution: *Resolved*, That the judiciary committee, be instructed to report resolutions to this house, proposing amendments to the constitution of this State, so as to give the election of the judges of the circuit courts to the people of the several counties in this State. Mr Fleming moved that the resolution be indefinitely postponed, which was carried. Yeas 45, nays 25.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbruster Bonham Bowin Brickell Carmack Chamberlain Davis Dubose Fleming Gardner Harkins Harris Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Jones of M. Jones of T. Massey Mason McDavid McKae Morrisett Nabors Oliver Pegues Porter Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Sumners Walker Ware Webster M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Barron Beene Brown of J. Brown of M. Carithers Creagh Ellis Evans Farrar Fortson Gayle Hall of A. Hallett Hollis Horton Johnson Keener Lawson Lee Mirce Musgrove Norwood Ormond Stewart and Taylor.

Mr Bonham from the select committee, to which was referred the bill entitled an act, to repeal in part, an act entitled an act, to authorize the judge of the county court and commissioners of revenue and roads of Wilcox county, to levy an extra tax for the purpose of building a jail in said county, reported sundry amendments, which were concurred in; and the bill ordered to be engrossed for a third reading.

Mr Brickell made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to secure the payment of tales jurors in the county therein named; an act to fix the number of jurors to be drawn for the circuit court of Jefferson county and for other purposes: an act to change the times of holding the county courts in the county of Marion; an act for the relief of William Martin, late assessor and collector for the county of Dale; an act authorizing the judge of the county court and commissioners of roads and revenue of the county of Franklin, to levy a county tax; an act to repeal an act, approved on the 2d January, 1833, requiring the judge of the county court of Covington and Blount counties, to reside within five miles of the county site.

Mr Simmons introduced a bill to be entitled an act, to establish a ferry therein named, which was read. Mr Hall of A. moved that the bill be indefinitely postponed, which was carried. Yeas 43, nays 19.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Armbrister Barron Beene Bqwin Brickell Brown of J. Carithers Chamberlain Creagh Davis Duhose Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Hill of H. and D. Hill of S. Hopkins Horton Hudson Jackson Jones of M. Jones of T. Massey McDavid McRae Musgrove Norwood Oliver Ormond Porter Rains Richardson Scott Samners Taylor Walker M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Bonham Brown of M. Carmack Ellis Fortson Gardner Hollis Houston Lee Mason Miree Nabors Rather Rhodes Salter Sanders of D. Sanders of L. Simmons Ware and Webster.

Mr Scott introduced a bill to be entitled an act, to incorporate the town of Benton, in the county of Lowndes, which was read the first time; and the rule being dispensed with, it was read the second time forthwith and referred to a select committee, to consist of messrs Ware Scott and Oliver.

A message from the senate by mr Conner: Mr Speaker—The senate have passed a bill of the following title, in which they ask the concurrence of the house of representatives: an act to explain an act entitled an act, further to provide for the location of the seat of justice in Pickens county, passed January 13, 1830.

The bill from the senate entitled an act, to explain an act entitled an act, further to provide for the location of the seat of justice in Pickens county, passed January 13, 1830, was read the first time and ordered to a second reading.

Mr Ellis presented the memorial of William M. Price, a citizen of the town of Tusealoosa, on the subject of manual labor schools, which was read. Mr Mason moved that it lie on the table, which was lost. It was referred to the committee on education.

A message from the senate by mr Conner: Mr Speaker—The senate have passed a bill of the following title, in which they ask the concurrence of the house of representatives: an act to establish a branch of the bank of the State of Alabama at ———.

The house again resumed the consideration of mr Hudson's motion, to postpone to the first day of March next, the report and resolutions made by the committee appointed on that part of the governor's message, in relation to the Creek settlers.

The house then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—On motion of Mr Beene, *Resolved*; That the Reverend Dr. Hardin be permitted to deliver a dissertation in the representative hall, this evening at early candle light, on the subject of manual labor instruction.

Mr Webster introduced a bill to be entitled an act to change the times of holding the courts in the fifth judicial circuit, which was read and ordered to a second reading.

Mr Ware introduced a bill to be entitled an act to establish a certain road therein named; which was read the first time and ordered to a second reading.

On motion of Mr Rhodes; *Resolved*; That the senate be invited to assemble in the representative hall for the purpose of electing a president and twelve directors of the branch of the bank of the State of Alabama, at Decatur. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall, were seated, and both houses proceeded to the election of a president for the branch of the bank of the State of Alabama, at Decatur. Mr John Sutherland alone being in nomination.

Those who voted for Mr Sutherland, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McRae Mirze Morrisett Nabors Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Sutherland having received all the votes given, he was declared by Mr Speaker duly and constitutionally elected president of the branch of the bank of the State of Alabama, at Decatur.

The two houses then proceeded to the election of twelve directors of the branch of the bank of the State of Alabama, at Decatur; James T. Sykes, Jesse W. Garth, Isaac Lane, H. Green, James Fennell, Thomas McEldery, James W. Talmage, William T. Gamble, William F. Mayfield, Edward W. Parker, Archibald Barclay, William Hodges, Thomas Strain, James H. Gamble, John H. Lucas and Charles McClarin, being in nomination.

Those who voted for Mr Sykes, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr Garth, are messrs President Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr Lane, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Evans Farrar Fleming Fortson Gayle Harkins Hallett Harris Hall of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware and T. Williams.

Those who voted for Mr Ormond, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of M. Carmack Chamberlain Craigh Davis Evans Farrar Fleming Fortson Gayle Harkins Hallett Harris Hall of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Ormond Porter Price Rains Rather Rhodes Richardson Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware and T. Williams.

Those who voted for Mr Fennell, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware and Webster.

Those who voted for Mr Mayfield, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware and Webster.

Those who voted for Mr Gamble, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr Mayfield, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr Parker, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr Barclay, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr Barclay, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbrister Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Craigh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Mirze Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of S. Hollis Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Lawson Massey Mason McDavid McKae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rhoads Richardson Sanders of L. Stewart Summers Taylor Walker Webster and T. Williams.

Those who voted for Mr Hodges, are messrs Ash Barclay Brown Coopwood Hill Irwin Lane Lyon Walthall and Wilkinson, of the senate.—representatives messrs Speaker Beene Bonham Brickell Brown of J. Brown of M. Carithers Davis Ellis Farrar Fleming Fortson Gayle Hall of A. Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Hudson Jones of M. Keener Lawson Massey McKae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams

Those who voted for Mr Strain, are messrs President Brown Coopwood Hemphill Hill Hogan Irwin Lane McVay Phillips Vining and Wilkinson, of the senate —representatives messrs Speaker Armbruster Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rath- or Rhodes Sanders of D. Scott Simmons Stewart Summers Taylor Ware Webster and T. Williams

Those who voted for Mr James Gamble, are messrs Brown Irwin Lane and Lyon of the senate. representatives messrs Speaker Armbruster Barron Brickell Carmack Chamberlain Ellis Farrar Hall of A. Hallett Harris Hudson Jones of M. Keener Lawson Massey Mason Richardson Sanders of D. Sanders of L. Scott Summers and Taylor.

Those who voted for Mr Lucas, are messrs Brown Hemphill Hogan Irwin Lane and Walthall of the senate.—representatives messrs Armbruster Bonham Brickell Brown of M. Carmack Davis Evans Fortson Gayle Hallett Harris Hill of H. and D. Hill of S. Hollis Horton Johnson Jones of T. Keener Lawson Mason Musgrove Nabors Oliver Price Rhoads Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Ware Webster and T. Williams.

Those who voted for Mr McClarin, are messrs Chapman Lyon McVay and Pickett, of the senate.—representatives messrs Brown of J. Carithers Creagh Ellis Fleming Hudson Jackson McKae Musgrove and Rather.

For Mr Sykes 81, Mr Garth 80, Mr Lane 73, Mr Green 71, Mr Fennell 71, Mr McEldery 55, Mr Talmage 69, Mr W. J. Gamble 75, Mr Mayfield 70, Mr Parker 60, Mr Barclay 68, Mr Hodges 55, Mr Strain 66, Mr J. H. Gamble 27, Mr Lucas 41, Mr McClairn 14.

Messrs Sykes, Garth, Lane, Green, Fennell, Talmage, W. J. Gamble, Mayfield, Parker, Barclay and Strain, only, having received a majority of votes, Mr Speaker therefore declared them duly and constitutionally elected directors of the branch of the bank of the State of Alabama, at Decatur.

Mr McEldery and Mr Hodges having an equal number of votes.

The senate then withdrew and the house adjourned until to-morrow at 10 o'clock.

Thursday, January 2nd, 1834.—Message from the senate by Mr Conner—Mr Speaker, the senate have passed a bill from the house of representatives of the following title, to wit: an act to further provide for the payment of grand and petit jurors in the county of Shelby, St. Clair and Barbour.

The bill from the senate entitled an act to establish a branch of the bank of the State of Alabama, at ———, was read the first time and made the special order of the day, for its second reading on Monday next.

Mr Speaker laid before the house the report of the census taker for Coosa county, which was read and referred to the committee on apportionment.

Mr Summers presented the petition of sundry citizens of Bibb county, praying to incorporate a light horse troop of cavalry, which was read and referred to a select committee, whereupon messrs Summers Davis and Hill of S. were appointed said committee.

Mr Sanders of L. from the select committee, to which was referred the bill to be entitled an act to permit the entry of certain lands therein named, at the land office at Courtland, reported a substitute in lieu thereof, which was adopted. The bill was ordered to be engrossed for a third reading.

Mr Fleming from the military committee, to whom was referred the pe-

tion of J. W. Matthews, reported the same inexpedient, and ought not to be granted. *Ordered*, that said report lie on the table.

Mr Brickell made the following report;—the committee on enrolled bills have examined and find correctly enrolled a bill of the following title to wit: an act to amend the different acts establishing a land office at Courtland.

On motion of Mr Horton, it was *Resolved*, That with the concurrence of the senate the two houses will assemble in the hall of the house of representatives, at the hour of 12 o'clock this day, for the purpose of going into the election of a judge of the county court for Greene county. *Ordered*, that the clerk acquaint the senate therewith.

Mr Brown of J. offered the following resolution, *Resolved*, That with the concurrence of the senate the two houses will assemble in the hall of the house of representatives, on this day at the hour of 12 o'clock, in order to announce the result of the election held on yesterday for 12 directors of the branch of the bank of the State of Alabama, at Decatur.

Mr Sanders of L. moved the previous question; the question was shall the call be sustained, and passed in the affirmative.

The main question was then put, viz: shall this resolution be adopted, and passed in the affirmative. Yeas 35, nays 31.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbruster Barron Beene Bowin Brickell Brown of J. Caruthers Chamberlain Farrar Fortson Gardner Gayle Harkins Hall of A. Hall of B. Harris Hollis Hudson Jones of T. Lee Massey McRae Miree Nabors Oliver Pegues Price Salter Sanders of L. Scott Simmons Sumners Ware and T. Williams.

Those who voted in the negative, are messrs Bonham Carmack Creagh Davis Evans Fleming Hallett Hill of H. and D. Hill of S. Hopkins Houston Jackson Johnson Jones of M. Keener Lawson Mason McDavid Morrisett Musgrove Ormond Porter Reins Rather Rhodes Sanders of D. Stewart Taylor Walker Webster and M. D. Williams.

Ordered, that the clerk acquaint the senate therewith.

A message from the senate by Mr Conner their secretary—Mr Speaker, the senate concur with the house of representatives, in the resolution to go into the election of a judge of the county court of Green county, at the hour of 12 o'clock this day; they have also amended the same by adding "and also a judge of the county court of Washington county." Mr Mason moved to amend the resolution by adding a judge of the county court for Madison county, which was adopted. Mr Jackson moved further to amend the resolution by adding the words "and a thirteenth director of the bank at Decatur," which was adopted. *Ordered*, that the clerk acquaint the senate therewith.

Mr Hill of S. introduced a bill to be entitled an act supplemental to an act entitled an act to permanently locate the seat of justice in the county of Talladega, which was read the first time, and the rule requiring bills to be read on three several days, being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, it was considered as engrossed and read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Lawson introduced a bill to be entitled an act to authorize the levying an additional county tax for the county of Lawrence, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and ordered to be engrossed for a third reading.

Mr Fleming introduced a bill to be entitled an act better to regulate the Huntsville guards, which was read the first time, and the rule requiring

bills to be read on three several days being dispensed with, it was read the second time and ordered to be engrossed for a third reading.

A message was received from the senate by Mr Conner—Mr Speaker, the senate concur with the house of representatives in the amendments to the amendment by adding a judge of the county court of Madison county and a director of the branch bank at Decatur.

On motion of Mr Ormond, *Resolved*, That the senate be informed that the house is now ready to receive them in the hall of the house of representatives, for the purpose of going into the election of a judge of the supreme court, a judge of the county court of Greene county, Washington county, Madison county and a director for the branch of the bank of the State of Alabama, at Decatur. *Ordered*, that the clerk acquaint the senate therewith.

Mr Gayle introduced a bill to be entitled an act for the encouragement of the drama, which was read and ordered to a second reading.

The senate having repaired to the hall of the house of representatives and taken their seats, the two houses proceeded to the election of a judge of the supreme court, Harry I. Thornton and Henry W. Collier being in nomination.

Those who voted for Mr Thornton, are messrs Anderson Barclay Brown Chapman Lane Lyon Phillips Vining and Walthall, of the senate.—Representatives, messrs Speaker Armbruster Barron Brickell Brown of J. Carithers Carmack Creagh Ellis Evans Farrar Fleming Gardner Hall of B. Hallett Harris Hopkins Houston Hudson Jackson Johnson Jones of M. Lawson Massey Mason McDavid McRae Morrisett Musgrove Norwood Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Stewart Walker Ware and Webster.

Those who voted for Mr Collier, are messrs President Ash Coopwood Guild Hemphill Hill Irwin McVay Pickett and Wilkinson, of the senate.—Reps, messrs Beene Bonham Bowin Brown of M. Chamberlain Davis Dubose Fortson Gayle Harkins Hall of A. Hill of H. and D. Hill of S. Hollis Horton Jones of T. Keener Lee Miree Nabors Oliver Richardson Scott Simmons Sumners Taylor M. D. Williams and T. Williams.

Mr Hogan, of the senate voted for Mr Hitchcock.

Harry I. Thornton having received a majority of votes, Mr Speaker therefore declared him duly and constitutionally elected judge of the supreme court.

The two houses then proceeded to the election of a judge of the county court for Greene county: Edward G. Pasteur alone being in nomination.

Those who voted for Mr Pasteur, are messrs President Anderson Ash Barclay Brown Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Harkins Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Edward G. Pasteur having received all the votes given, Mr Speaker declared him duly elected judge of the county court for Greene county.

The two houses then proceeded to the election of a judge of the county court for Washington county; Josiah D. Lister alone being in nomination.

Those who voted for Mr Lister, are messrs President Anderson Ash Barclay Brown Coopwood Guild Hemphill Hill Hogan Lane Lyon McVay Phillips Pickett Vining and Walthall of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fortson Gardner Harkins Hallett Hill of H. and D. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Josiah D. Lister having received all the votes given, Mr Speaker therefore declared him duly elected judge of the county court for Washington county.

The two houses then proceeded to the election of a judge of the county court for the county of Madison; Anderson Hutchison and John C. Thompson being in nomination.

Those who voted for mr Hutchison, are messrs President Barclay Brown Guild Hogan McVay Pickett and Vining, of the senate.—Representatives, messrs Beene Brown of J. Carmack Creagh Ellis Farrar Fleming Harkins Hallett Hopkins Houston Hudson Johnson Jones of M. Jones of T. Massey Mason McDavid McRae Musgrove Norwood Rather Richardson Sanders of L. Taylor and Walker.

Those who voted for mr Thompson, are messrs Anderson Ash Coopwood Hemphill Hill Irwin Lane Lyon Phillips and Walthall, of the senate.—Representatives, messrs Speaker Armbruster Barron Bouham Bowin Brickell Brown of M. Carthers Chamberlain Davis Dubase Evans Fortson Gardner Harris Hill of H. and D. Hill of S. Hollis Horton Jackson Keener Lawson Lee Mirree Nabors Oliver Ormond Pegues Porter Price Rains Rhodes Salter Sanders of D. Scott Simmons Stewart Summers Ware Webster M. D. Williams and T. Williams.

John C. Thompson having received a majority of votes, mr Speaker therefore declared him duly elected judge of the county court for the county of Madison.

The two houses then proceeded to the election of a bank director at the town of Decatur; Thomas McEldery and William Hedges being in nomination.

Those who voted for mr McEldery, are messrs President Ash Barclay Brown Chapman Hemphill Hill Hogan Lyon McVay Phillips Pickett and Vining, of the senate.—Representatives, messrs Armbruster Beene Bouham Bowin Carthers Carmack Chamberlain Creagh Harkins Hallett Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Kecner Massey Mason McDavid McRae Morrisett Musgrove Pegues Rains Rather Rhodes Richardson Sanders of L. Scott Simmons Walker and Webster.

Those who voted for mr Hedges, are messrs Anderson Coopwood Guild Lane and Walthall of the senate.—Representatives, messrs Speaker Barron Brickell Brown of J. Brown of M. Dubase Ellis Evans Fleming Fortson Gardner Gayle Harris Hollis Horton Lawson Lee Mirree Nabors Oliver Ormond Porter Price Salter Sanders of D. Simmons Stewart Taylor Ware M. D. Williams and T. Williams.

Thomas McEldery having received a majority of votes, mr Speaker therefore declared him elected a bank director of the branch bank at Decatur.

And then the senate withdrew; and the house adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.—The house again resumed the consideration of mr Hudson's motion, to postpone to the first day of March next, the report and resolutions made by the committee appointed on that part of the governor's message in relation to the Creek settlers.

And then the house adjourned until to-morrow at 10 o'clock.

Friday, January 3, 1831.—A message from the senate by mr Conner; mr Speaker, the senate have passed a bill which originated in the house of representatives, of the following title, viz: an act supplemental to an act entitled an act to permanently locate the seat of justice in the county of Talladega.

Mr Creagh, from the judiciary committee, to which was referred, the bill entitled an act to incorporate the town of Decatur, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

The same committee, to which was referred, the petition of Levi Cummings, reported that the prayer of the petition ought not to be granted. Mr Harris moved that the further consideration of the report be postponed until to-morrow, which was agreed to.

The same committee, to which was referred, the bill from the senate entitled an act to prevent the introduction and sale of lottery tickets in this State, reported the following amendment after the word "law" insert the words "of this State," which was adopted. The bill was ordered to a third reading.

Mr Creagh, from the judiciary committee, to which was referred, the bill entitled an act to incorporate the Athens rail road company, reported the same without amendment, and recommend its passage. The bill was then read the third time, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Ware, from the select committee, to whom was referred, the bill to incorporate the town of Benton, in the county of Lowndes, reported the same without amendment, and recommend its passage; it was then read the third time, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Hill of H. and D., to whom was referred, the bill changing the time of holding the circuit courts in the sixth judicial circuit, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

Mr Chamberlain, from the select committee, to which was referred, the bill entitled an act to authorize the summoning of a jury for the fourth and fifth weeks of the circuit courts of Mobile county, reported a substitute in lieu thereof, which was adopted. The bill was ordered to be engrossed for a third reading.

On motion of Mr Creagh, *Resolved*, That a committee be appointed on the part of the house to act with such committee as may be appointed on the part of the senate, to prepare a set of rules for the government of the two houses, while convened in the representative hall for the purpose of joint elections; whereupon messrs. Creagh Jackson and Ormond were appointed said committee on the part of this house. *Ordered*, that the clerk acquaint the senate therewith.

Mr Creagh introduced a bill to be entitled an act to prevent the president and directors of the branch of the bank of the State of Alabama, at Mobile, from discounting more than five thousand dollars for themselves, and to prohibit them from endorsing or becoming security for each other, or any other person or persons, at said branch bank, which was read and ordered to a second reading.

Mr Keener, from the select committee, to which was referred, the bill making it the duty of the commissioners of roads and revenue of the counties of Barbour, Russell, Chambers, Tallapoosa and Macon, to select one quarter section of land for the counties above named, reported a substitute in lieu thereof, which was adopted. Mr Ware moved to amend the bill by way of proviso, which was adopted; and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Ordered, that Mr Hill of S., have leave of absence until to-morrow.

Mr Porter introduced a bill to be entitled an act to prevent the imprisonment of females, which was read and ordered to a second reading.

Mr Webster introduced a bill to be entitled an act concerning witnesses in civil suits, which was read and ordered to a second reading.

Mr Creagh, from the judiciary committee, to which was referred, the bill entitled an act to incorporate the Cahawba and Marion rail road company, reported sundry amendments which were adopted. The bill was ordered to be engrossed for a third reading.

Mr Fleming, from the military committee, to whom was referred, the bill entitled an act to lay off a beat in that part of the Choctaw country, west of the Tombeckbee river, and lying in the county of Pickens, reported the bill without amendment. The bill was ordered to be engrossed for a third reading.

Mr Hallett introduced a bill, to be entitled an act to incorporate the Mobile and New-Orleans steamboat navigation company, which was read and ordered to a second reading.

Mr Bonham called up the report made by the military committee, on the subject of J. W. Matthews. Mr Bonham moved that the report and accompanying documents be recommitted to the military committee, which was carried.

Mr Walker called up the bill entitled an act giving the county courts jurisdiction in all cases of emancipation. The bill was read the second time and referred to the committee on emancipation.

Mr Hudson called up the report of the committee on education, made on the bill entitled an act relinquishing land to the Tuscumbia, Courtland and Decatur rail road company. Mr Jackson moved that the report lie on the table, which was carried.

Mr Sanders, from the select committee, to which was referred, the petition of sundry citizens of the county of Bibb, reported a bill to be entitled an act to incorporate the Centreville light house company, which was read and ordered to a second reading.

Mr Morrisett introduced a bill to be entitled an act, for the relief of the assessor and tax collector of Monroe county, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith. Mr Ormond moved to amend the bill by way of proviso, which was adopted, and the rule being further dispensed with, it was read the third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Bills from the senate of the following titles, to wit: an act to require the sheriff of Madison county, to hold an election for an assessor and tax collector for the year 1834; and an act to authorize and require the encampment of the 33d regiment of the militia of this State, in the county of Madison, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act, to divorce Mary S. Brooke from her husband Edward F. Brooke, was read the third time and passed, there being a constitutional majority voting in favor of its passage. Yeas 39, nays 18.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Barrow Beene Bonham Brown of J. Carmack Chamberlain Davis Ellis Evans Farrar Harkins Hall of A. Hall of B. Hallett Hill of H. & D. Hollis Horton Houston Jackson Jones of M Jones of T. Keener Massey McDavid Musgrove Norwood Oliver Price Rather Rhodes Richardson Salter Sanders of L. Scott Simmons Stewart Ware and Webster.

Those who voted in the negative, are messrs Speaker Bowin Brickell Carithers Creagh Dubose Hudson Lawson McRae Mirce Nabors Pegues Porter Sumners Taylor Walker and T. Williams.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The engrossed bill entitled an act, to appoint commissioners for the county of Sumpter, to survey and sell town lots in the town of Livingston, the seat of justice thereof, and to erect public buildings in the same, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Bills of the following titles, to wit: an act to provide a fund for compensating the grand and petit jurors of the county of Marion; an act to revive, repeal in part and amend an act entitled an act, to incorporate the town of Erie, in the county of Greene, approved the 14th day of December, 1822; an act entitled an act, for the relief of Solomon Evans; an act to authorize Howell Hobdy, sheriff of Barbour county, to keep his office in the town of

Louisville in said county; and an act to change the name of Mary Fletcher Nicholson Rogers to that of Mary Flether Nicholson Lockhart, were severally read the second time and ordered to be engrossed for a third reading.

Bills from the senate of the following titles, to wit: an act to incorporate the Hibernian benevolent society of Mobile; and an act to regulate the weighing of cotton in the city of Mobile and for other purposes, were severally read the second time and referred to the judiciary committee.

The bill entitled an act, authorizing a lottery for the benefit of the Tusculum female academy and for other purposes, was read the second time. Mr Jackson moved that the bill be referred to the judiciary committee, which was carried. Yeas 29, nays 26.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Beene Bonham Bowin Carmack Chamberlain Creagh Davis Dubose Ellis Evans Harkins Hallett Jackson Massey McDavid Miree Oliver Pegues Rather Richardson Salter Scott Taylor Walker Ware Webster and T. Williams.

Those who voted in the negative, are messrs Brickell Brown of J. Carithers Fleming Gardner Hall of A. Hall of B. Harris Hill of H. and D. Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lawson McRae Musgrove Nabors Norwood Sanders of D. Sanders of L. Simmons Stewart and Sumners.

The bill entitled an act, to attach a part of the county of St. Clair to Jackson county, was read the second time and referred to a select committee, consisting of messrs Norwood, Massey and Creagh.

The bill entitled an act, to continue the election precinct at the town of Washington, in Autauga county, was read the second time and referred to the committee on privileges and elections.

The bill entitled an act, to emancipate certain slaves therein named, was read the second time and referred to the committee on emancipation.

The bill from the senate entitled an act, to amend in part an act entitled an act, to establish a certain road therein named, approved January 20th, 1833, was read the second time and referred to the committee on roads, bridges and ferries, together with mr Sanders of D. petition on that subject.

Bills from the senate of the following titles, to wit: an act for the relief of the members of the Franklin fire engine company No. three, of the city of Mobile; an act to declare a certain water course in Benton county, a public highway; and an act to make that part of Byler's turnpike road in the county of Tuscaloosa, a county road; were severally read a second time and ordered to a third reading.

The bill entitled an act, for compensating George S. Gaines, agent of the State of Alabama, for negotiating State loan, was read the second time. Mr Bonham moved that the bill be indefinitely postponed; which was carried. Yeas 46, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Beene Bonham Bowin Brickell Brown of J. Carithers Davis Dubose Ellis Evans Farrar Fleming Harkins Hall of A. Harris Hill of H. and D. Hollis Horton Hudson Jones of M. Jones of T. Keener Lawson Massey McDavid Miree Musgrove Nabors Norwood Oliver Ormond Pegues Rather Salter Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster and T. Williams.

Those who voted in the negative, are messrs Carmack Chamberlain Creagh Gardner Hall of B. Hallett Houston Jackson Johnson McRae Morrisett Price Rains Rhodes Richardson and Sanders of D.

And then the house adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.—Mr Hudson moved a call of the house, when the following members appeared and answered to their names, viz:

Messrs Speaker Barron Brickell Carithers Carmack Chamberlain Collier Creagh Davis Farrar Fleming Fortson Hallett Hill of H. and D. Hill of S. Houston Hudson Johnson Jones of M. Jones of T. Massey McDavid McRae Miree Nabors Pegues Rains Rather Rhodes Richardson Salter, Walker Ware Webster and T. Williams.

The bill entitled an act, to authorize the citizens of the town of Wetumpka, on the west side of the Coosa river, to elect a justice of the peace and constable for that part of said town, was read the second time and referred to the judiciary committee.

Bills of the following titles, to wit: an act to revive the act, incorporating the town of Bellefont; and an act to permanently fix the seat of justice for the county of Tallapoosa, were severally read the second time and ordered to be engrossed for a third reading.

Engrossed bills of the following titles, to wit: an act for the relief of the tax collector of Tallapoosa county; an act supplemental to an act, authorizing a lottery for the improvement of a road therein named, passed the 17th of December, 1832; an act to amend an act entitled an act, for the accommodation of the purchasers of 16th sections and donated lands, passed 17th November, 1832; an act for the relief of Nancy C. Neely; an act further to extend the time for the relief of Sterling E. Harrison; an act to provide for the appointment of a commissioner in the county of Benton; an act in relation to the town of Lowndesborough, in the county of Lowndes; an act supplemental to an act, entitled an act to amend an act, to incorporate the town of Montgomery, approved January 15, 1828; an act to change the time of holding the commissioners court of roads and revenue, in the county of Washington; an act to locate permanently, the seat of justice for the county of Henry; an act to change the time of holding the county courts of certain counties therein named; an act to authorize William Wilson, to emancipate certain slaves therein named; and an act to adjust and settle the claims of William Jordan, for services rendered to the county of Washington, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

The engrossed bill for the relief of William Hester, tax collector of Franklin county, was read the third time. Mr Hudson moved to amend the bill by way of a proviso, as an engrossed rider, which was adopted. The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act for the relief of the assessor and tax collector of Madison county, was read the third time. Mr Hudson moved to amend the bill by way of proviso as an engrossed rider, which was adopted. The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill entitled an act, authorizing a lottery for the benefit of Washington Lodge No. 35, of Ancient Free Masons, was read the third time and passed. Yeas 26, nays 20.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbruster Beene Bonham Brown of M. Carithers Davis Farrar Fleming Gardner Harkins Hall of A. Harris Hill of H. and D. Hollis Horton Houston Hudson Jackson Johnson Jones of M. Lawson Massey McDavid McKae Musgrove Norwood Oliver Price Rhodes Sanders of D. Sanders of L. Scott Simmons Stewart Taylor and Webster.

Those who voted in the negative, are messrs Barron Brickell Carmack Chamberlain Creagh Evans Hall of B. Hallett Jones of T. Miree Morrisett Nabors Ormond Rather Richardson Salter Summers Walker Ware and T. Williams.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Fleming, who voted in the majority on mr Bonham's motion to postpone indefinitely, the bill entitled an act for compensating George S. Gaines, agent of the State of Alabama, for negotiating State loan, moved to reconsider that vote, which was carried. The question re-curred on mr Bon-

ham's motion. Mr Johnson moved the previous question, and the question was, shall the call be sustained, and carried. The main question was then put, viz: shall the bill be indefinitely postponed, and carried. Yeas 43, nays 16.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Armbrester Barron Beene Bonham Brickell Brown of M. Carithers Davis Evans Farrar Harkins Harris Hill of H. and D. Hollis Horton Hudson Johnson Jones of M. Jones of T. Lawson Massey McDavid Mirce Musgrove Nabors Norwood Oliver Ormond Pegues Rather Salter Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster and T. Williams.

Those who voted in the negative, are messrs Carmack Chamberlain Creagh Fleming Gardner Hall of B. Hallett Houston Jackson McRae Morrisett Price Rains Rhodes Richardson and Sanders of D.

The engrossed bill entitled an act, to authorize Peyton Bibb to erect a wharf on the Alabama river, at a place therein named, was read the third time. Mr Beene moved that the further consideration of the bill be postponed until to-morrow, which was lost. Mr Hall of A. moved to amend the bill by way of the following engrossed rider: *Provided*, that nothing in this act shall interfere with or prejudice the vested rights of the present wharf and steam boat company; which was lost. The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Harris moved that the house adjourn until to-morrow 10 o'clock, which was lost. Yeas 22, nays 32.

The yeas and nays being desired, those who voted in the affirmative, are messrs Armbrester Bonham Brickell Brown of M. Carmack Davis Hallett Harris Jones of H. Lawson McDavid McRae Mirce Morrisett Rains Rather Salter Sanders of D. Stewart Sumners Taylor and Webster.

Those who voted in the negative, are messrs Speaker Barron Beene Carithers Chamberlain Creagh Evans Farrar Fleming Gardner Hall of A. Hill of H. and D. Hallett Horton Houston Hudson Jackson Johnson Jones of T. Massey Nabors Oliver Pegues Price Rhodes Richardson Scott Simmons Walker Ware and T. Williams.

The joint resolution, abandoning the contract of Graves, Caruthers & Co. with the Tennessee canal commissioners, was read the second time. Mr McRae moved to amend the resolution, by adding thereto, an additional resolution, which was lost. Yeas 4, nays 51.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Hollis Hudson McRae and Nabors.

Those who voted in the negative, are messrs Speaker Armbrester Barron Beene Bonham Brickell Carithers Carmack Chamberlain Creagh Davis Evans Farrar Fleming Gardner Harkins Hall of A. Hall of B. Hallett Hill of H. and D. Horton Houston Jackson Johnson Jones of M. Jones of T. Lawson Massey McDavid Mirce Morrisett Musgrove Oliver Ormond Pegues Price Rather Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster and T. Williams.

The house then adjourned until to-morrow 10 o'clock.

Saturday, January 4, 1834.—A message from the senate by mr Conner, their secretary: Mr Speaker—The senate have passed bills of the following titles, which originated in the house of representatives, viz: an act to repeal the third, fourth and fifth sections of an act, in relation to a road leading from D. Lewis', in originally Pike county, but now Barbour county, approved 20th January, 1830, and also, the entire act upon the same subject and in relation to the same road, approved 4th January, 1832; an act to incorporate the Madison turnpike company. They have also passed bills which originated in the senate, in which they ask the concurrence of the house of representatives; an act for the relief of Henry Springsfellow; an act for the relief of Charlotte A. H. Baker and Charlotte Dilliard; and an act to amend the charters of the several branch banks in this State.

Ordered, that the absentees be excused for their non attendance yesterday, on mr Hudson's call of the house.

The bill from the senate entitled an act, for the relief of Henry Spring-fellow was read, and the rule being dispensed with, it was read a second time forthwith and referred to the committee on propositions and grievances.

Bills from the senate of the following titles, viz: an act for the relief of Charlotte A. H. Baker and Charlotte Dilliard; and an act to amend the charters of the several branch banks in this State, were severally read and ordered to a second reading.

Mr Keener presented the petition of sundry inhabitants of Pike county, praying to be attached to Macon county, which was read and referred to the committee on county boundaries.

Mr Taylor presented the petition of sundry inhabitants of Fayette county, praying that they may not be attached to Marion county, which was read and referred to the committee on county boundaries.

Mr Taylor presented the petition of sundry inhabitants of Fayette county, praying the passage of a law to define the boundary lines between Fayette and Marion counties, which was read and referred to the committee on county boundaries.

Mr Bowin presented the petition of sundry inhabitants of Butler county, praying that the law exempting certain property from execution, commonly called the poor man's law, may be repealed, which was read and referred to the judiciary committee.

Mr Fleming from the military committee, to which was referred a resolution to inquire into the expediency of attaching the militia of the county of Sumpter, to the sixth brigade of Alabama militia, reported a bill to be entitled an act, to attach the militia of Sumpter county to the sixth brigade of Alabama militia, which was read and ordered to a second reading.

Ordered, that mr Evans be added to the committee on county-boundaries.

Mr Fleming, from the military committee, to which was referred, a petition of the officers of the 33rd regiment of Alabama militia, reported the same inexpedient, inasmuch as a bill embracing the same subject had originated in the senate, and has passed both houses, and ask leave to be discharged from the further consideration of the subject, which was granted.

The same committee, to which was referred, the bill from the senate entitled an act to organize the militia of certain counties therein named, reported sundry amendments, which was concurred in. The bill was ordered to a third reading.

Mr Creagh, from the judiciary committee, to whom was referred, the bill entitled an act prescribing the mode of removing obstructions to the navigation of Paint Rock river, and several petitions on that subject, reported the bill without amendment, and recommend its passage. Mr Norwood moved to amend the first section by striking out the word "thirty" to insert "twenty," which was adopted; the bill was ordered to be engrossed and made the special order for its third reading at 3 o'clock this evening.

Mr Beene, from the judiciary committee, to whom was referred, the petition praying the incorporation of the town of Wetumpka, on the west side of the Coosa river, reported a bill to be entitled an act to incorporate the town of Wetumpka, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and ordered to be engrossed for a third reading.

The same committee, to whom was referred, the petition praying the incorporation of the town of Wetumpka, on the east side of the Coosa river, reported a bill to be entitled an act to incorporate the town of Wetumpka, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read the second time forthwith, and ordered to be engrossed for a third reading.

Mr Ormond called up the report of the Trustees of the University. Mr Ormond then moved that one hundred copies of said report be printed, which was carried.

Mr Creagh made the following report—The judiciary committee, to whom was referred, a bill to be entitled an act to repeal an act authorizing Joseph G. Garrett and James W. Hill, of Madison county, to build a mill on the Paint Rock river, in said county, on the fractional section No. 13, in township No. 6, of range No. 2. east of the basis meridian, in the district of land sold at Huntsville, passed January 20, 1832, reported that it is inexpedient to pass said bill. Mr Norwood moved that said report lie on the table, which was carried.

Mr Norwood, from the select committee, to whom was referred, the bill entitled an act to attach a part of the county of St. Clair to Jackson county, reported a substitute in lieu thereof, which was adopted, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Bonham called up the resolution from the senate, proposing to adjourn on this day the 4th inst. Mr Bonham moved to amend it by striking out the "4th" to insert "Saturday next the 11th inst. Mr Hudson moved to insert the 18th inst. Mr Rather moved the previous question, which was sustained. Mr Bonham moved to reconsider the vote on Mr Rather's call for the previous question, which was lost. Mr Norwood moved that the resolution lie on the table, which was carried.

Mr Richardson introduced a bill to be entitled an act to compel the county court judge, of the county of Greene, to reside at or within two miles of the county seat, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read the second time forthwith, and referred to the representation of Greene county.

On motion of Mr Hill of S., *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Levi D. Coleman, in the county of Talladega, with leave to report by bill or otherwise.

Mr Bonham offered the following resolution, *Resolved*, That with the concurrence of the senate, the two houses will adjourn *sine die* on Saturday the 11th January. Mr Rhodes moved the previous question, and the question was shall the call be sustained, and carried. The main question was then put on the adoption of the resolution, and lost Yeas 24, nays 40.

The yeas and nays being desired, those who voted in the affirmative, are messrs Barron Beene Bonham Bowin Brickell Brown of J. Dubose Farrar Harkins Hall of A. Hill of H. and D. Hill of S. Houston Keener Lee Massey Mired Pegues Rather Rhodes Sanders of D. Simmons Ware and M. D. Williams.

Those who voted in the negative, are messrs Speaker Ambrester Brown of M. Carithers Chamberlain Creagh Davis Ellis Evans Fleming Gardner Gayle Hall of B. Hallett Harris Hopkins Horton Hudson Jackson Johnson Jones of M. Jones of T. Lawson McDavid McRae Musgrove Nabors Norwood Ormond Price Richardson Salter Sanders of L. Stewart Sumners Taylor Webster and T. Williams.

Mr Hill of H. introduced a bill to be entitled an act to authorize certain persons therein named to charge toll at the western end of the bridge across the Chattahoochie, opposite Columbus Georgia, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee.

Mr Gayle introduced a bill to be entitled an act to alter the time of holding the county courts of Dallas county, which was read the first time, and the rule being dispensed with, it was read the second and third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Hall of B. introduced a joint resolution which was read the first time, and the rule requiring joint resolutions to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, it was considered as engrossed and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Hill of H. and D. offered the following resolution, *Resolved*, That with the concurrence of the senate the two houses will adjourn *sine die* on Saturday the 18th at 6 o'clock P. M.

Mr Jackson moved a call of the house when the following members appeared and answered to their names, viz:

Messrs Speaker Armbrester Barron Beene Bonham Bowin Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

The further consideration of the resolution was postponed for one hour.

Mr Hall of B. introduced a bill to be entitled an act to regulate the payment of petit jurors in the county of Baldwin, and for other purposes, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and ordered to be engrossed for a third reading.

The house then proceeded to the consideration of the orders of the day.

Joint resolution abandoning the contract of Graves Caruthers and Company, with the Tennessee canal commissioners, was read the second time, and the rule requiring bills and joint resolution to be read on three several days being dispensed with, it was read the third time forthwith, considered as engrossed and passed.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Evans Farrar Fleming Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Jackson Johnson Jones of T. Keener Lawson Lee Massey McDavid Miree Morrisett Musgrove Norwood Oliver Ormond Rather Richardson Salter Sanders of D. Sanders of L. Stewart Sumners Taylor Walker Ware Webster and T. Williams.

Those who voted in the negative, are messrs Hollis Hudson McRae and Nabors.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill from the senate entitled an act to emancipate and set free from the bonds of slavery, certain slaves therein named, was read the second time and referred to the committee on emancipation.

Engrossed bills of the following titles, to wit: an act to authorize the judge of the county court and commissioners of roads and revenue, of the

county of Blount; to levy a special tax for the building of a new court-house and a jail, in the town of Blountsville, for said county, and an act to repeal an act for the relief of the Sheriff of St. Clair county, were severally read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to incorporate the trustees of the Centreville academy, in the county of Bibb, was read the second time and ordered to be engrossed for a third reading.

The house then adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.—*Ordered*, that the absent members on Mr Jackson's call of the house, be excused for non attendance.

The question recurred on the adoption of the resolution of Mr Hill of H. and D. to adjourn on the 18th inst.

Mr Hudson moved the previous question which was sustained.

The main question was then put, viz: shall the resolution be adopted, which passed in the affirmative. Yeas 30, nays 24.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Armbruster Barron Bonham Bowin Brown of M. Carithers Carmack Davis Dubose Gardner Hill of H. and D. Hill of S. Hudson Keener Lawson McDavid McRae Miree Nabors Pegues Rhodes Richardson Salter Sanders of L. Stewart Sumners Taylor Webster and T. Williams.

Those who voted in the negative, are messrs Speaker Beene Chamberlain Creagh Evans Farrar Hall of A. Hall of B. Hallett Harris Hopkins Horton Houston Jackson Johnson Jones of M. Musgrove Norwood Oliver Rather Sanders of D. Simmons Walker and Ware.

The engrossed bill entitled an act to divorce certain persons therein named, was read the third time and passed by a constitutional majority. Yeas 38, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbruster Barron Beene Bonham Brown of M. Carmack Chamberlain Davis Evans Farrar Gardner Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hopkins Horton Houston Jackson Johnson Jones of M. Keener Massey McDavid Norwood Oliver Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Ware and Webster.

Those who voted in the negative, are messrs Bowin Carithers Creagh Dubose Hill of S. Hudson Lawson McRae Miree Musgrove Nabors Pegues Sumners Taylor Walker and T. Williams.

Ordered, that Mr Scott have leave of absence until the 18th inst.

Engrossed bills of the following titles, to wit: an act to authorize the building of a court-house in Montgomery county; an act for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county; an act to repeal in part an act to authorize the judge of the county court and commissioners of roads and revenue of Wilcox county, to levy an extra tax for the purpose of building a jail in said county; an act to amend an act incorporating the town of Huntsville, passed January 9th, 1828; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Jefferson, to levy a special tax for building or repairing a jail for said county; an act better to regulate the Huntsville guards; an act to authorize the levying of an additional tax for the county of Lawrence; an act to permit the entry of certain lands therein named, at the land office at Courtland; an act to incorporate the Cahawba and Marion rail road company; an act to incorporate the town of Benton in the county of Lowndes; an act to authorize the summoning of a jury for the 4th and 5th weeks of the circuit court of Mobile county, and for other purposes; an act to permanently fix the seat of justice for the county of Tallapoosa; an act to incorporate the town of Decatur; an act to alter the times of holding the circuit courts in the 6th circuit; an act to revive an act incorporating the town

of Bellefonte; an act to change the name of Mary Fletcher Nicholson Rogers to that of Mary Fletcher Nicholson Lockhart; an act to authorize Harrel Hobdy, Sheriff of Barbour county, to keep his office in the town of Louisville, in said county; an act for the relief of Solomon Evans; an act to lay off a beat in that part of the Choctaw country west of the Tombecbee river, and lying in the limits of Pickens county; an act to provide for compensating the grand and petit jurors of the county of Marion; an act to revive, repeal in part and amend an act entitled an act to incorporate the town of Erie, in the county of Greene, approved the 14th day of December, 1822, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Richardson, from the select committee, to which was referred the bill entitled an act to compel the county court judge of the county of Greene, to reside at or within two miles of the county seat, reported the same without amendment. The bill was ordered to be engrossed for a third reading.

The bill entitled an act to organize and continue in force certain officers in the thirteenth company of the 15th regiment, of Alabama militia, in Jefferson county, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second and third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill entitled an act prescribing the mode of removing obstructions to the navigation of Paint Rock river, was read the third time and passed. Yeas 49, nays 2.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Archer Aaron Beere Bown Brown of M. Canithers Carmack Chamberlain Creagh Davis Dubose Evans Farrar Gardner Hill of A. Hallett Harris Hill of H. and D. Hill of S. Harkins Horton Houston Hudson Jackson Johnson Keefer Lawson Massey McDavid McRae Miree Musgrove Nabors Norwood Oliver Pegues Rather Rhodes Richardson Salter Sanders of L. Simmens Stewart Summers Taylor Walker Webster and T. Williams.

Those who voted in the negative are messrs Fleming Sanders of D. and Ware.

The bill entitled an act to authorize Polly Sublett, administratrix of William Sublett, deceased, to make title to a certain tract of land therein named, being under consideration: the question was to read the bill the third time, which was lost.

The bill entitled an act to incorporate the town of Louisville, in Barbour county, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to incorporate Athens Lodge No. 16, of ancient free masons, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the senate by Mr Conner, their secretary—Mr Speaker, the senate have passed a resolution by the following title which originated in the house of representatives: a resolution for the relief of certain persons therein named.

The bill entitled an act to compensate the commissioners of roads and revenue for the county of Fayette, was read the second time, and the rule

requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the governor by Mr Thornton—Mr Speaker, I am requested by the governor to inform your honorable body, that he did on the 1st inst. approve and sign, an act regulating the mode of taking constables bonds; an act for the relief of master builders and mechanics in the State of Alabama; and on the 3rd inst. an act for the relief of William Martin, late assessor and collector of the county of Dale; an act authorizing the judge of the county court and commissioners of roads and revenue, of the county of Franklin, to levy a county tax; an act to secure the payment of *tales* jurors in the county therein named; an act to fix the number of jurors to be drawn for the circuit court of Jefferson county, and for other purposes; an act to change the time of holding the county courts in the county of Marion, and an act to repeal in part an act approved on the 2nd of January, 1833, requiring the judge of the county court of Covington and Blount counties to reside within five miles of the county site; all of which originated in the house of representatives.

The bill entitled an act to make the Tallapoosa river a lawful enclosure, was read the second time, and the question was put, to read the bill the third time and lost.

The bill entitled an act to form a company beat of militia of a less number of privates than forty, in the county of Franklin, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill from the senate, entitled an act to explain an act entitled an act to provide for the location of the seat of justice in Pickens county, passed January 13th, 1830, was read the second time and referred to a select committee, consisting of messrs Gardner, M. D. Williams, T. Williams and Richardson.

The bill entitled an act to establish a certain road therein named, was read the second time and ordered to be engrossed for a third reading.

The bill entitled an act to change the times of holding the courts in the fifth judicial circuit, was read the second time and referred to a select committee, consisting of messrs Rather, Webster, Hopkins, Musgrove and Massey.

The bill to authorize John Baldrige and his associates to turnpike a road therein mentioned, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to define and mark the line between the counties of Greene and Pickens, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill from the senate, entitled an act to declare a certain water course in Benton county a public highway, was read a second time and referred to a select committee, consisting of messrs Lawson Ware and Oliver.

Mr Morrisett, from the committee on propositions and grievances, to whom was referred the bill entitled an act for the relief of Henry Stringfellow, reported the same without amendment, and recommended its passage. The bill was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill entitled an act for the relief of the members of the Franklin Fire Engine Company No. 3 of the city of Mobile, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The report of the judiciary committee, on the subject of the petition of Levi Cummings, being under consideration. Mr Harris moved that the further consideration of the report be postponed until Friday next, which was carried.

The bill entitled an act to incorporate the Mobile and New-Orleans steam boat navigation company, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to incorporate the Centreville light horse company, was read the second time and ordered to be engrossed for a third reading.

The engrossed bill entitled an act to make that part of Byler's turnpike road, in the county of Tuscaloosa, a public road, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

And the house adjourned until Monday next at 10 o'clock.

Monday, January 6, 1834.—A message from the senate by Mr Conner—Mr Speaker, the senate have passed bills of the following titles which originated in the house of representatives: an act to establish the Moulton rail road company; an act to incorporate the Alabama and Tennessee rail road company; an act to incorporate the Montgomery rail road company; an act to authorize Mace T. P. Brindly to turnpike certain roads therein named. The three first they have amended as therein shewn, in which they ask the concurrence of the house of representatives.

Ordered, that the house concur in the amendments made by the senate, to the bill entitled an act to establish the Moulton rail road company.

Ordered, that the house concur in the amendments made by the senate, to the bill entitled an act to incorporate the Montgomery rail road company.

Ordered, that the house concur in the amendment made by the senate, to the bill entitled an act to incorporate the Alabama and Tennessee rail company. *Ordered*, that the clerk acquaint the senate therewith.

Mr Rather offered the following as a title to the resolution introduced by Mr Hall of B. on Saturday last. "Joint resolution authorizing and requiring the cashier of the branch of the bank of the State of Alabama, at Mobile, to check on the branches of Decatur and Montgomery, for their proportion of the amount paid to George S. Gaines, which was adopted.

Mr Hill of H. and D. presented the petition of sundry inhabitants of Dale county, praying to be attached to Henry county, which was read and referred to a select committee, whereupon messrs Salter, Hill of H. and D. and Evans were appointed said committee.

Mr Salter presented the petition of sundry inhabitants of Covington

county, praying to be attached to Conecuh and Dale counties, which was read and referred to a select committee, whereupon messrs Salter, Hill of H. and D. and Evans were appointed said committee.

Mr Hall of B. from the committee on roads, bridges and ferries, to whom was referred the resolution instructing them to inquire into the expediency of granting to Ward Taylor and associates, a charter to turnpike the mail stage road from Blakely to Montgomery, reported that it is inexpedient to grant the charter asked for at this time. Mr Hall moved that the report lie on the table, which was carried.

Mr Hall of B. from the committee on roads, bridges and ferries, to which was referred, the bill entitled an act to amend in part an act entitled an act to establish a certain road therein named, approved January 2nd, 1833, reported that it is inexpedient to pass the bill, and asked leave to be discharged from its further consideration, which was granted.

The same committee, to whom was referred, the petition of sundry citizens of Coosa, Tallapoosa and Chambers counties, praying the passage of an act to incorporate a company to turnpike a road leading from Wetumpka to the Chattahoochie river at or near the town of Vernon, reported it inexpedient to grant the prayer of the petitioners at this time, and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Fleming introduced a bill better to regulate the sale of wooden clocks, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to the judiciary committee.

Mr Horton introduced a bill for the relief of John McAllister, sheriff of Greene county, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to the committee on propositions and grievances.

Mr Simmons introduced a bill to be entitled an act to regulate the rate of ferriage at the ferry at or near Vernon, in Autauga county, which was read and ordered to a second reading.

On motion of Mr Hudson, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law or so altering or amending the existing law so as to prevent negroes belonging to Indians, or negroes belonging to persons residing among Indians, from owning horses, and from owning and carrying guns and butcher knives, and with leave to report by bill or otherwise.

Mr M. D. Williams introduced a bill to be entitled an act to provide for the election of commissioners in the town of North Tuscaloosa, and to appoint commissioners to superintend the public buildings in the county of Walker, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, was read the third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Jones of T. introduced a bill to be entitled an act to provide for the commissioners of roads and revenue in this State, which was read and ordered to a second reading.

Mr Ware offered the following preamble and resolution: Whereas, various opinions exist as to the right of the new counties in the late Creek territory to separate representation, be it therefore *Resolved*, That a special committee be appointed to wait upon the judges of the supreme court and obtain their opinion, whether the new counties in the Creek country, or-

organized at the last session of the legislature, be entitled to a separate representation in the legislature of this State, and whether each new county be entitled to at least one representative, and whether the laws passed by the legislature of this State, extending the jurisdiction of the same over said territory prior to the year 1832, changed the boundaries of the old counties, agreeable to the constitution of this State, so as to effect the representation of the new ones, which was rejected. Yeas 20, nays 42.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barren Beene Bonham Dubose Evans Farley Hall of A. Hill of H. and D. Hill of S. Horton Keener Lawson Lee Massey Nabors Oliver Price Saker and Ware.

Those who voted in the negative, are messrs Ambrester Bowin Brown of M. Carothers Carmack Charbelian Creagh Davis Fleming Gardner Gayle Harkins Hall of B. H. Hill Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Mason McDevil McRae Morrisett Musgrove Norwood Ormond Pagus Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker Webster M. D. Williams and T. Williams.

Ordered, that Mr Brown of J. have leave of absence until Wednesday next.

On motion of Mr Norwood, *Resolved*, That the committee on privileges and elections report a bill establishing the following election precincts in the county of Jackson: one at the house of Stephen Newman, and at the house of Alexander McFarlane, and one at the house of Detsy Parke in Wills Valley.

Mr Fleming introduced a bill to be entitled an act to incorporate the merchants insurance company of Huntsville, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the judiciary committee.

On motion of mr Bonham, *Resolved*, that the judiciary committee be appointed to examine the act attaching the Creek territory to the different counties of the State, and report as to its constitutionality.

The house again resumed the consideration of mr Hudson's motion to postpone to the first day of March next, the report and resolutions made by the committee appointed on that part of the Governor's message in relation to the Creek settlers.

The house then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The house again resumed the consideration of mr Hudson's motion to postpone to the first day of March next, the report and resolutions made by the committee appointed on that part of the Governor's message in relation to the Creek settlers.

The house then adjourned until 10 o'clock to-morrow.

Thursday, January 7th, 1834.—Mr Evans presented the petition of sundry citizens of Pike county, praying to discontinue and establish an election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr McRae presented sundry petitions of sundry citizens of Franklin county, praying the removal of the seat of justice of said county, which was read and referred to a select committee consisting of messrs McRae, Hudson, Horton, Ormond, and Beene.

Mr Hopkins from the judiciary committee to which was referred the bill entitled an act supplemental to an act to incorporate the merchants insurance company of Huntsville, reported the bill without amendment, and recommend its passage, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed and read the

third time forthwith and passed. *Ordered* that the bill be as aforesaid. *Ordered* that the same be sent to the senate for their concurrence.

The committee to whom was referred the bill entitled an act supplementary to an act to enable the State of Alabama to sell and dispose of certain lands therein named, reported that the object of the bill has been fully provided for by the passage of an act on the same subject during the present session; and asked leave to be discharged from the further consideration of the subject, which was granted.

The same committee to which was referred the petition of Lovick B. Vail and others, praying the passage of a law to require successful claimants of land to pay to the unsuccessful occupant the value of improvements made by him, reported that the passage of a law as prayed for, would be both unconstitutional and inexpedient—in which report the house concurred.

The same committee to which was referred the bill entitled an act to authorize a lottery for the improvement of the square and streets in the town of Florence, reported the same without amendment; the bill was ordered to be engrossed for a third reading.

The same committee to which was referred the bill from the senate to incorporate the Hibernian Benevolent society of Mobile, reported the same without amendment; the bill was read a third time forthwith and passed—ordered that the title be as aforesaid. *Ordered* that the clerk acquaint the senate therewith.

The same committee to which was referred the bill from the senate entitled an act to amend an act to regulate the weighing of cotton in the city of Mobile and for other purposes, reported the same without amendment, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the senate therewith.

The committee to which was referred the bill entitled an act authorizing a lottery for the benefit of the Tusculumbia female academy and for other purposes, reported the same without amendment, and recommend its passage, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time, considered as engrossed, and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the senate for their concurrence.

The same committee to which was referred the bill entitled an act to authorize certain persons therein named to charge toll at the Western end of bridge across the Chattahoochie opposite Columbus, Georgia, reported that it is inexpedient to pass the bill. *Ordered* that the report lie on the table. The bill was referred to a select committee to consist of messrs Hill of H and D Jackson, and Ware.

The same committee to which was referred the bill entitled an act for the relief of infants, reported that the courts of chancery have now all the powers which the bill proposes to confer upon them, and that it is inexpedient to pass the bill; in which the house concurred.

The same committee, to which was referred, the bill entitled an act to incorporate the Demopolis rail road company, reported the same with sundry amendments. Mr Bonham moved that the bill be indefinitely postponed, which was carried. Yeas 34, nays 29.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Bonham Bowin Carithers Carmack Creagh Farrar Fortson Gardner Har-kins Hall of B, Hill of H, & D. Horton Houston Huls n Johnson Keener Lawson Miree Morrisset Musgrove Nabors Oliver Pegues Porter Rhodes Richardson Salter Sanders of D, Simmons Taylor Ware and T. Williams.

Those who voted in the negative, are messrs Armbrester Beene Brown of M.

Chamberlain Davis Dubose Ellis Evans Fleming Hall of A. Hallett Harris Hill of S. Hollis Hopkins Jackson Jones of M. Jones of T. Mason McDavid McRae Norwood Ormond Price Rains Rather Sanders of L. Stewart Sumners Walker and M. D. Williams.

Mr Harris made the following report:—The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to repeal the third, fourth and fifth sections of an act in relation to a road leading from D. Lewis's in originally Pike but now Barbour county, approved 20th January, 1830, and also the entire act upon the same subject, and in relation to the same road, approved 4th January, 1832; an act further to provide for the payment of grand and petit jurors in the counties of Shelby, St. Clair and Barbour; an act supplemental to an act entitled an act to permanently locate the seat of justice in the county of Talladega; an act to incorporate the Madison turnpike company, and a joint resolution for the relief of certain persons therein named.

Mr Musgrove from the committee on county boundaries, to whom was referred the petition of sundry citizens of the county of Fayette, reported that it is inexpedient to grant the prayer of the petitioners, and asked leave to be discharged from the further consideration of the same, which was granted.

The same committee, to whom was referred, the petition of sundry citizens of the county of Pike, reported that it is inexpedient to make the alteration of said county boundaries at this time, and asked leave to be discharged from the further consideration of the same, which was granted.

The committee, to which was referred, the petition of sundry citizens of the county of Fayette, praying to be attached to the county of Marion, and also a counter petition of sundry citizens of the said county of Fayette, praying that such alteration should not be made in the boundaries of said counties, reported that it is inexpedient at this time to legislate on that subject, and asked leave to be discharged from the further consideration of the subject, which was granted.

Mr Musgrove presented the petition of sundry citizens of Blount county, on military affairs, which was read and referred to the military committee.

Mr Hallett, from the select committee, to whom was referred, the bill entitled an act to amend the road laws within the county of Mobile, reported the same without amendment, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

On motion of Mr Carmack, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law to graduate the punishment for the crime of forgery, with leave to report by bill or otherwise.

Mr Horton offered the following resolution, *Resolved*, That with the consent of the senate, the two houses will assemble in the representative hall at the hour of 3 o'clock on Thursday the 9th inst., for the purpose of electing a president and twelve directors of the bank of the State of Alabama. Mr Jackson moved to strike out the words "Thursday the 9th inst." to insert "Monday the 13th inst." which was carried. Yeas 33, nays 32.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Bonham Bowin Carithers Carmack Greagh Davis Evans Fleming Gardner Harkins Harris Hill of H. and D. Hopkins Jackson Jones of M. Jones

T. Mason McRae Morrisett Norwood Ormond Pegues Porter Rains Salter Sanders of D. Sanders of L. Stewart Walker M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Barron Beene Brown of M. Chamberlain Dubose Ellis Farrar Fortson Gayle Hall of A. Hall of B. Hill of S. Hollis Horton Houston Hudson Johnson Lawson Massey McDavid Miree Musgrove Nabors Oliver Price Rather Rhodes Richardson Simmons Sumners Taylor and Ware.

The question was then put on the adoption of the resolution and carried. Yeas 49, nays 14.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Armbrester Beene Bonham Bowen Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Fleming Fortson Gardner Gayle Harkins Hall of B. Harris Hill of H. and D. Hollis Hopkins Houston Jackson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Morrisett Norwood Ormond Pegues Porter Price Rather Rhodes Richardson Salter Sanders of L. Simmons Stewart Walker M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Barron Brown of M. Hall of A. Hill of S. Horton Hudson Johnson Miree Musgrove Nabors Oliver Sumners Taylor and Ware.

Ordered, that the clerk acquaint the senate therewith.

A message from the senate by Mr Conner, their secretary—Mr Speaker, the senate have passed a bill from the house of representatives of the following title; an act to amend an act entitled an act, to incorporate the Tusculum, Courtland and Decatur rail road company, which they have amended as herewith shewn, in which they ask the concurrence of the house of representatives.

The house again resumed the consideration of Mr Hudson's motion, to postpone to the first day of March next, the report and resolutions made by the committee appointed on that part of the governor's message in relation to the Creek settlers.

The house then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The house again resumed the consideration of Mr Hudson's motion, to postpone to the first day of March next, the report and resolutions made by the committee appointed on the part of the governor's message in relation to the Creek settlers.

Mr Ormond moved a call of the house, when the following members appeared and answered to their names, viz:

Messrs Speaker Barron Beene Bowin Brickell Brown of J. Brown of M. Carmack Chamberlain Collier Creagh Davis Fortson Gardner Harkins Hallett Harris Hopkins Horton Hudson Jackson Johnson Jones of M. Lawson Lee Massey Mason McRae Miree Morrisett Nabors Ormond Pegues Porter Price Rains Rather Rhodes Sanders of L. Scott Simmons Sumners Taylor Walker Ware and Webster.

The further consideration of the report was postponed for one hour.

Upon a question of order, Mr Speaker decided that it was in order, that a call of the house could take place from day to day, on any subject that the house had had under discussion the day previous; from which decision Mr Rather appealed.

Those who voted in favor of sustaining mr Speaker, are messrs Barron Beene Bonham Bowen Brown of M. Carithers Chamberlain Creagh Davis Evans Farrar Gardner Gayle Hallett Hill of H. and D. Hopkins Horton Houston Hudson Jackson Johnson Jones of T. Keener Lawson Lee Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rhodes Sanders of L. Simmons Sumners Walker Ware and Webster.

Those who voted against the decision of mr Speaker, are messrs Carmack Harkins Harris Jones of M. Massey Rather Richardson and Taylor.

The engrossed bill entitled an act to fix the salary of the president, cashier and other officers of the branch bank of the State of Alabama, located at Decatur. *Ordered*, that the bill lie on the table.

The bill entitled an act to change the time of holding the circuit courts of the second judicial circuit, was read the second time. Mr Bonham mo-

ved and amendment, which was agreed to, and the rule requiring bills to be read on three several days being dispensed with; it was considered as engrossed and read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Ordered, that the house concur in the several amendments made by the senate to the bill entitled an act to incorporate the Tusculum, Courtland and Decatur rail road company. *Ordered*, that the clerk acquaint the senate therewith.

The joint resolutions of the general assembly of the State of Alabama, in relation to the act passed at the the last session of Congress, commonly denominated the force bill, being under consideration. Mr Borham moved that the further consideration of the resolution be postponed until Thursday next, and made the special order of the day.

Ordered, that the committee on the State capitol be discharged from the report made on the 1st January inst.

The report of the judiciary committee, made on the 24th day of December last past, on the subject of the Creek Indian Territory being under consideration; it was ordered that the report lie on the table.

The bill from the senate entitled an act to establish a branch of the bank of the State of Alabama at ———, was read the second time and referred to the committee on the State bank.

Ordered, that the absent members be excused for their non-attendance on Mr Ormond's call of the house.

The house resumed the consideration of Mr Hudson's motion, to postpone Mr Beene's report on the subject of the Creek settlers.

The house then adjourned until 10 o'clock to-morrow.

Wednesday, January 8, 1834.—A message from the senate by Mr Conner—Mr Speaker the senate have passed bills which originated in the house of representatives of the following titles, viz: an act to change the times of holding the commissioners courts of roads and revenue in the county of Washington; an act to adjust and settle the claims of William Jordan, for services rendered the county of Washington; an act to change the times of holding the county courts of certain counties therein named; an act for the relief of the assessor and tax collector of Madison county; an act to incorporate the Athens rail road company; an act for the relief of the assessor and tax collector of Monroe county; an act making it the duty of the commissioners of roads and revenue of certain counties therein named, to select one quarter section of land for the use of said counties; an act further to extend the time for the relief of Sterling E. Harrison; an act supplemental to an act entitled an act to amend an act to incorporate the town of Montgomery, approved January 15th, 1828; an act supplemental to an act authorizing a lottery for the improvement of a road therein named, passed the 17th December, 1832; an act for the relief of Nancy C. Neely; an act to provide for the appointment of a commissioner in the county of Benton; an act in relation to the town of Lowndesborough, in the county of Lowndes; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Jefferson, to levy a special tax for building or repairing a jail in said county; an act to authorize the building of a court-house in Montgomery county; an act to appoint commissioners for the county of Sumpter, to survey and sell town lots in the town of Livingston, the seat of justice thereof, and to erect public buildings in the same—have amended the same as therein shewn, in which they ask the concurrence of the house of representatives; an act for the relief of

the tax collector of Tallapoosa county; an act for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county; an act to repeal in part an act entitled an act to authorize the judge of the county court and commissioners of roads and revenue, of Wilcox county, to levy an extra tax for the purpose of building a jail in said county; an act to change the time of holding the county courts of Dallas county; an act to repeal an act for the relief of the sheriff of St. Clair county; an act to authorize the judge of the county court and commissioners of roads and revenue, of the county of Blount, to levy a special tax for the building of a new court-house and jail in the town of Blountsville for said county; an act prescribing the mode of removing obstructions to the navigation of Paint Rock river; an act to authorize the levying of an additional tax for the county of Lawrence; an act to permit the entry of certain lands therein named, at the land office at Courtland. They have also passed a bill to be entitled an act to apportion the representatives among the several counties in this State, into senatorial districts according to the late census, which originated in the senate, in which they ask the concurrence of the house of representatives.

Ordered, that the house concur in the amendment made by the senate, to the bill entitled an act to appoint commissioners for the county of Sumpter, to survey and sell town lots in the town of Livingston, the seat of justice thereof, and to erect public buildings in the same.

The bill from the senate entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census, which was read the first time, and the rule being dispensed with, it was read the second time forthwith. Mr Jackson moved to refer the bill to the judiciary committee, which was lost. Yeas 23, nays 35.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Ambretser Brickell Carmack Chamberlain Evans Farrar Hopkins Houston Jackson Johnson Jones of M. Massey Mason McDavid McRae Norwood Ormond Rains rather Rhodes Sanders of L. Walker and M. D. Williams.

Those who voted in the negative, are messrs Speaker Barron Beene Bouliam Cain Carithers Creagh Davis Dubose Fortson Gardner Gayle Hall of A. Hall of Hallett Hill of H. and D. Hill of S. Horton Hudson Jones of T. Keener Lee Morrisett Musgrove Nabors Oliver Pegues Porter Price Richardson Salter Sanders D Simmons Sumners and Ware.

Mr Rather moved the following amendment, strike out "2480" and insert "3000."

Mr Chamberlain moved a call of the house, which was sustained; and the further consideration of the bill was postponed for one hour.

Mr Speaker laid before the house the record and proceedings of the circuit court of Greene county, exercising jurisdiction in chancery, in the case of Ebenezer Whiting against Lucy M. Whiting, for divorce, which was read and referred to the committee on divorce and alimony.

Ordered, that Mr Thomas Williams have leave of absence until Monday next.

Mr Salter presented the memorial of a committee appointed at a meeting of the citizens of Pensacola, in Florida, praying the passage of an act to incorporate a company to be called the Alabama, Florida and Georgia rail road company, which was read and referred to the judiciary committee.

Mr McRae presented the petition of sundry inhabitants of Franklin county, on the subject of the 16th sections, which was read and referred to select committee, whereupon messrs McRae, Hudson and Carmack were appointed said committee.

Mr Norwood, from the committee on divorce and alimony, to which was referred, sundry records and proceedings of the circuit courts of Walker, Perry, Mobile, Lawrence and Lauderdale counties, exercising jurisdiction in chancery in cases of divorce; reported a bill to be entitled an act to divorce certain persons therein named, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, it was considered as engrossed, and passed by a constitutional majority. Yeas 47, nays 13.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbruster Barron Beene Bonham Brown of M. Carmack Chamberlain Davis Ellis Evans Farrar Fleming Gardner Gayle Hall of A. Hall of B. Hallett Hill of H. and D. Hopkins Horton Houston Jackson Jones of M. Jones of T. Keener Lee Massey Mason McDavid Morrisett Norwood Oliver Ormond Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Taylor Ware M. D. Williams.

Those who voted in the negative, are messrs Bowin Brickell Carithers Creagh Dubose Hill of S. Hudson Lawson Musgrove Nabors Pegues Porter and Walker.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Hudson, from the committee on lands appropriated for internal improvements, to which was referred, the petition of Henry Stovall, reported a bill to be entitled an act for the relief of Henry Stovall, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, it was considered as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Chamberlain made the following report:—The committee on emancipation to which have been referred sundry petitions praying for the emancipation of slaves, and bills providing for the same—have had the same under consideration and instructed me to report, that in the opinion of your committee, it is inexpedient to manumit any slave who shall be permitted to remain within the limits of this State, and that the power of emancipating slaves, upon condition that they shall remove beyond the limits of the State, should be delegated to the judges of the county courts, inasmuch as they will better understand the merits of each particular case, and as it will relieve the legislature from the consideration of numerous petitions which are annually referred. The committee, therefore, ask leave to be discharged from the further consideration of the bills and petitions before them, which was granted.

The same committee reported a bill to be entitled an act to authorize the judges of the county courts to emancipate slaves, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith. Mr Bonham then moved the previous question, and the question was shall the call be sustained and carried.

The main question was then put, viz: shall this bill be read the third time, and passed in the affirmative. Yeas 55, nays 5.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Barron Beene Bonham Bowin Brickell Brown of M. Carithers Carmack Chamberlain Davis Dubose Ellis Farrar Fleming Gardner Gayle Hall of A. Hall of B. Hallett Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Rains Rather Rhodes Salter Sanders of D. Summers Stewart Taylor Walker Ware Webster and M. Williams.

Those who voted in the negative, are messrs Ambrester Creagh Evans Richardson and Sanders of L.

The bill was then read the third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Sanders of D., who voted on yesterday in the majority on the indefinite postponement of the bill entitled an act to incorporate the Demopolis rail road company, moved to reconsider that vote.

Mr Fleming moved the previous question, which was sustained; and the question was then put on Mr Sanders' motion and carried. Yeas 39, nays 24.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Ambrester Beene Bonham Brown of M. Chamberlain Davis Ellis Evans Fleming Gardner Gayle Hall of A. Hallett Harris Hill of S. Hopkins Houston Jackson Jones of M. Jones of T. Keener Mason McDavid McRae Norwood Oliver Ormond Price Rains Rather Richardson Sanders of D. Sanders of L. Stewart Sumners Taylor Walker Webster and M. D. Williams.

Those who voted in the negative, are messrs Speaker Barron Bowin Carithers Carmack Creagh Fortson Hall of B. Hill of H. and D. Horton Hudson Johnson Lawson Lee Massey Morrisett Musgrove Nabors Pegues Porter Rhodes Salter Simmons and Ware.

A message from the senate by Mr Conner—Mr Speaker, the senate have passed a bill entitled an act to compensate Isaac H. Roberts, for services rendered the State, in which they ask the concurrence of the house of representatives.

The bill entitled an act to incorporate the Demopolis rail road company, being under consideration. Mr Bonham moved that the bill be indefinitely postponed, which was lost. Yeas 29, nays 38.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Barron Bonham Bowin Carithers Carmack Creagh Farrar Fortson Hall of B. Hill of H. and D. Horton Hudson Johnson Keener Lawson Lee Massey Miree Morrisett Musgrove Nabors Oliver Pegues Porter Rhodes Salter Simmons and Ware.

Those who voted in the negative, are messrs Ambrester Beene Brown of M. Chamberlain Davis Dubose Ellis Evans Fleming Gardner Gayle Hall of A. Hallett Harris Hill of S. Hollis Hopkins Houston Jackson Jones of M. Jones of T. Mason McDavid McRae Norwood Ormond Price Rains Rather Richardson Sanders of D. Sanders of L. Stewart Sumners Taylor Walker Webster and M. D. Williams.

Mr Lee moved to refer the bill to the delegation of the counties of Greene, Marengo and Wilcox, which was lost. Yeas 17, nays 48.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Barron Bonham Dubose Evans Farrar Hall of B. Hollis Horton Johnson Lee Massey Miree Nabors Oliver Pegues Sanders of D. and Sumners.

Those who voted in the negative, are messrs Speaker Ambrester Beene Bowin Brown of M. Carithers Carmack Chamberlain Davis Ellis Fleming Fortson Gardner Gayle Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Jones of M. Jones of T. Keener Lawson Mason McDavid McRae Morrisett Musgrove Norwood Ormond Price Rains Rather Rhodes Richardson Salter Sanders of L. Stewart Sumners Taylor Walker Ware Webster and M. D. Williams.

Ordered, that the house concur in the several amendments made by the judiciary committee, to said bill, it was then ordered to be engrossed for a third reading.

Mr Rather moved a call of the house, which was lost.

The house again resumed the consideration of Mr Hudson's motion to postpone to the first day of March next, the report and resolutions made on that part of the governor's message, in relation to the settlers on the Creek lands.

And then the house adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—Mr Lawson moved a call of the house, when the following members appeared and answered to their names.

Messrs Speaker Armbrester Barron Beene Bonham Brown of J. Brown of M. Carithers Carmack Collier Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Harris Hill of H. and D. Hollis Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Ormond Pegues Price Rather Richardson Salter Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster and T. Williams.

Mr Fleming moved to suspend the orders of the day, which was lost.

Mr Harris made the following report:—The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to establish the Moulton rail road company; an act to authorize Mace T. P. Brindley to turnpike a certain road therein named; an act to incorporate the Alabama and Tennessee rail road company, and an act to amend an act entitled an act to incorporate the Tuscumbia, Courtland and Decatur rail road company, and for other purposes.

The bill entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census being under consideration. Mr Rather's amendment to said bill being under consideration; a division of the question being called for, the vote was first taken on striking out and lost. Yeas 34, nays 40.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Carmack Chamberlain Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Jones of T. Massey Mason McDavid McRae Norwood Ormond Rather Richardson Sanders of L. Stewart Walker and Webster.

Those who voted in the negative, are messrs Barron Beene Bonham Bowin Brown of J. Brown of M. Carithers Creagh Davis Dubose Ellis Evans Farrar Fortson Gardner Gayle Hall of A. Hill of H. and D. Hill of S. Hollis Horton Johnson Keener Lawson Lee Mirce Morrisett Musgrove Nabors Pegues Porter Price Rains Salter Sanders of D. Simmons Sumners Taylor Ware and M. D. Williams.

Mr Hudson moved the previous question, which was lost.

Mr Keener moved the following amendment; strike out all after the word "to" in the 16th line to the word "to" in the same line, and insert the county of Pike one, and the counties of Macon and Tallapoosa one, which was adopted. Yeas 58, nays 6.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Beene Bonham Bowin Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Evans Farrar Fortson Gayle Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Jackson Johnson Jones of M. Keener Lawson Lee Massey Mason McDavid Mirce Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Taylor Walker Ware Webster and M. D. Williams.

Those who voted in the negative are messrs Armbrester Ellis Gardner Hudson Jones of T. and McRae.

Mr Keener moved further to amend the bill with the following; strike out all after the word "to" where it occurs after Tallapoosa to the word "to" in the 17th line, and insert "the county of Barbour one, and the counties of Russell and Chambers one," which was adopted. Mr Chamberlain moved the following amendment, after the word "Clarke" strike out "two" and insert "one" and after the word "Mobile" strike out "one" and insert "two"

Mr Chamberlain moved a call of the house, when the following members appeared and answered to their names.

Messrs Speaker Armbrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Sumners Taylor Walker Ware and M. D. Williams.

The further consideration of the bill and amendment was postponed for one hour.

A message was received from the senate by Mr Conner: Mr Speaker—I am instructed to return to the house of representatives a bill to be entitled an act to incorporate the town of Louisville, in Barbour county, and an act to authorize John Baldridge and his associates to turnpike a road therein named; also a resolution from the house authorizing the cashier of the branch of the bank of the State of Alabama, at Mobile, to check on the branches of the State bank at Decatur and Montgomery, and request that they may be put in parliamentary form. They have passed a joint resolution abandoning the contract of Graves, Caruthers & Co., with the Tennessee canal commissioners, which originated in the house of representatives.

The house again resumed the consideration of Mr Hudson's motion, to postpone to the first day of March next, the report and resolutions on the subject of the settlers on the Creek lands.

Ordered, that the absentees be excused for their non-attendance on Mr Lawson's call of the house.

Mr Ormond moved the previous question on Mr Hudson's motion upon a question of order. Mr Ormond moved for the previous question. Mr Jackson objected to the call for the previous question, as not being in order. Mr Speaker determined that it was in order, from the decision Mr Jackson appealed.

Those who voted for sustaining the chair are messrs Armbrester Barron Bowin Brown of J. Brown of M. Carithers Chamberlain Ellis Farrar Fleming Hallett Hill of S. Hopkins Houston Hudson Johnson Jones of M. Jones of T. Massey Mason McDavid McRae Morrisett Musgrove Oliver Ormond Porter Price Rains Rather Richardson Salter Sanders of L. Sumners Taylor Walker Ware and Webster.

Those who voted against the decision of the chair, are messrs Beene Bonham Carmack Davis Dubose Evans Fortson Gardner Gayle Hall of A. Hill of H. and D. Hollis Horton Jackson Keener Lawson Miree Nabors Norwood Pegues Rhodes Sanders of D. Simmons Stewart and M. D. Williams.

For sustaining the chair 39, against the chair 25.

Mr Jackson moved that the house adjourn till 10 o'clock to-morrow, which was lost. Yeas 10, nays 58.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker, Chamberlain, Evans, Hall of B. Hill of H and D. Hill of S. Hollis, Jackson, Nabors, and Webster.

Those who voted in the negative, are messrs Armbrester, Barron, Beene Bonham, Bowin, Brown of J. Brown of M. Carithers, Carmack, Creagh, Davis, Dubose, Farrar, Farrar, Fleming, Fortson, Gardner, Gayle, Hall of A. Hallett, Harris, Hopkins, Horton, Houston, Hudson, Johnson, Jones of M. Jones of T. Keener Lawson, Lee, Massey, Mason, McDavid McRae, Miree, Morrisett, Musgrove, Oliver, Ormond, Pegues, Porter, Price, Rains, Rather, Rhodes, Richardson, Salter, Sanders of D. Sanders of L. Simmons, Stewart, Sumners, Taylor Walker Ware, and M. D. Williams.

Mr Ormond moved the main question, which was lost. Yeas 33, nays 35.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Armbrester, Carmack, Creagh, Ellis, Farrar, Fleming, Hall of A. Hall of B. Hallett, Hill of S. Hopkins, Houston, Hudson, Johnson, Jones of M. Jones of T. Massey, Mason, McDavid, McRae, Morrisett, Musgrove, Norwood, Ormond, Rains, Rather, Richardson, Sanders of L. Sumners, Taylor, Walker, and Webster.

Those who voted in the negative, are messrs Speaker, Barron, Beene, Bonham, Bowen, Brown of J. Brown of M. Carithers, Chamberlain, Davis, Dubose, Evans, Fortson, Gardner, Gayle, Hill of H. and D. Hollis, Horton, Jackson, Keener Lawson, Lee, Miree, Nabors, Oliver, Pegues Porter, Price, Rhodes, Salter, Sanders of D. Simmons, Stewart Ware, and M. D. Williams.

The question was put on Mr Hudson's motion, and lost. Yeas 33, nays 34.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Armbrester Carithers Carmack Creagh Davis Ellis Farrar Hall of A. Hall of B. Hallett Hopkins Houston Hudson Johnson Jones of M. Jones of T. Massey Mason McDavid McRae Morrisett Musgrove Norwood Ormond Rains Rather Richardson Sanders of L. Stewart Sumners Taylor Walker and Webster.

Those who voted in the negative, are messrs Speaker Barron Beene Bonham Bowin Brown of J. Brown of M. Chamberlain Dubose Evans Fortson Gardner Gayle Harris Hill of H. and D. Hill of S. Hollis Horton Jackson Keener Lawson Lee Miree Nabors Oliver Pegues Porter Price Rhodes Salter Sanders of D. Sumners Ware and M. D. Williams.

Mr Horton moved that the report and resolutions lie on the table, which was was lost. Yeas 29, nays 40.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Beene Bown of J. Brown of M. Chamberlain Davis Dubose Evans Fleming Gardner Gayle Hall of B. Harris Hill of H. and D. Hill of S. Hollis Horton Jackson Jones of T. Lawson Nabors Porter Price Rather Rhodes Salter Sanders of D. Sumners and M. D. Williams.

Those who voted in the negative, are messrs Armbrester Barron Bonham Bowin Brickell Carithers Carmack Creagh Ellis Farrar Fortson Hall of A. Hallett Hopkins Houston Hudson Johnson Jones of M. Keener Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Norwood Oliver Ormond Pegues Rains Richardson Sanders of L. Simmons Stewart Taylor Walker Ware and Webster.

Mr Evans moved that the house adjourn until to-morrow at 10 o'clock. Yeas 8, nays 61.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Beene Evans Fortson Gayle Horton Oliver and Price.

Those who voted in the negative, are messrs Armbrester Barron Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Dubose Ellis Farrar Fleming Gardner Hall of A. Hall of B. Hallett Harris Hill of H. & D. Hill of S. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Ormond Pegues Porter Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker Ware Webster and M. D. Williams.

Mr Jackson moved that the report and resolutions be referred to a select committee, which was agreed to. Yeas 36, nays 33.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Beene Bowin Brown of J. Brown of M. Chamberlain Davis Dubose Evans Farrar Fortson Gardner Gayle Hill of H. and D. Hill of S. Hollis Horton Jackson Keener Lawson Lee Miree Nabors Oliver Pegues Porter Price Rather Rhodes Richardson Salter Sanders of D. Simmons Ware and M. D. Williams.

Those who voted in the negative, are messrs Armbrester Bonham Brickell Carithers Carmack Creagh Ellis Fleming Hall of A. Hall of B. Hallett Harris Hopkins Houston Hudson Johnson Jones of M. Jones of T. Massey Mason McDavid McRae Morrisett Musgrove Norwood Ormond Rains Sanders of L. Stewart Sumners Taylor Walker and Webster.

Whereupon messrs Jackson, Porter, Hallett, M. D. Williams, Oliver, Brown of J. and Horton were appointed said committee.

And then the house adjourned until to-morrow 10 o'clock.

Thursday, January 9, 1834.—A message was received from the senate by Mr Conner: Mr Speaker—The senate have passed bills which originated in the house of representatives of the following titles, viz: an act to incorporate the town of Benton, in the county of Lowndes; an act to authorize the summoning a jury for the fourth and fifth weeks of the circuit court of Mobile county, and for other purposes; an act to incorporate the town of Decatur; an act to permanently fix the seat of justice for the county of Tallapoosa; an act to revive the act incorporating the town of Bellefonte; an act to authorize Harrel Hobdy, sheriff of Barbour county, to keep his office in the town of Louisville in said county; an act to lay off a beat in that part of the Choctaw country west of the Tombéckbee river and lying in the limits of Pickens county; an act to compensate the commissioners

of roads and revenue for the county of Fayette; an act to incorporate the Mobile and New-Orleans steamboat company; an act to organize and continue in office certain officers in the 13th company of the 15th regiment of Alabama militia, in Jefferson county; an act to incorporate Athens lodge No. 16 of ancient free masons; an act to revive, repeal in part and amend an act entitled an act to incorporate the town of Erie, in the county of Greene, approved the 14th day of December, 1822. They have also passed a bill which originated in the senate, in which they ask the concurrence of the house of representatives.

The bill from the senate entitled an act for the relief of Isaac H. Roberts, was read the first time, and the rule being dispensed with, it was read a second time forthwith and referred to the committee on propositions and grievances.

The bill from the senate entitled an act for the relief of David Ballew, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and ordered to a third reading.

Mr Fleming, from the military committee, to whom was referred, the petition and letter of J. W. Matthews, captain of the Washington light infantry, of Autauga county, praying to be relieved from the penalty of his bonds for fifty stand of arms; reported that the relief prayed for is inexpedient and ought not to be granted, and asked leave to be discharged from the further consideration of the subject, which was granted.

The same committee, to whom was referred, the adjutant general's annual report for the year 1833; reported that they have examined the same and find in the aggregate 2166 men, and asked leave to be discharged from the further consideration of the subject, which was granted.

Mr Norwood, from the committee on divorce and alimony, to which was referred, a resolution instructing them to inquire into the expediency of so amending the law requiring persons to live apart three years before they can obtain a divorce, as only to require one years separation, reported that it is inexpedient to legislate on the subject, and asked leave to be discharged from the further consideration of the subject, which was granted.

Mr Creagh, from the committee on ways and means, to which was referred, a resolution instructing them to inquire into the expediency of allowing a bounty for the destruction and killing of wolves, bears and panthers, reported that it is inexpedient to pass any law on the subject, in which report the house concurred.

The same committee, to which was referred, a resolution instructing them to inquire into the expediency of altering the law which regulates the fees of jailers for victualling slaves confined in jail, so as to allow them a greater compensation for such services than is now allowed by law, reported that it is inexpedient to alter the law on this subject, in which report the house concurred.

Mr Creagh, from the judiciary committee, to which was referred, the bill from the senate entitled an act to amend the laws in relation to constables, reported the same without amendment, and recommend its passage, the bill was then read the third time and passed. Yeas 40, nays 19.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Fleming Gardner Gayle Hall of B. Hallett Harris Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Massey Mason McDavid McRae Miree Musgrove Norwood Oliver Porter Salter Ware Webster and Richardson.

Those who voted in the negative, are messrs Armbrester Bowin Farrar Hall of

A. Hill of H. and D. Hill of S. Hollis Keener Lee Nabors Price Rather Sanders of L. S. Simons Stewart Sumners Taylor Walker and M. D. Williams.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Mr Lawson, from the select committee, to whom was referred, the bill from the senate entitled an act to declare a certain water course in Benton county, a public highway, reported a substitute in lieu thereof, which was adopted; the bill was then read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Mr Salter, from the select committee, to whom was referred, the petition of sundry citizens of the county of Dale, praying that a part of said county be added to the county of Henry; reported that the prayer of said petitioners ought not to be granted at this time, and ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Creagh, from the judiciary committee, to which was referred, the bill entitled an act to exempt certain property from execution, and for other purposes, reported a substitute in lieu thereof.

Mr Hopkins moved the previous question, which was sustained.

The main question was then put, viz: on the adoption of the amendment, and carried. Yeas 35, nays 28.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbruster Beene Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Fortson Gardner Gayle Hall of B. Hallett Harris Horton Houston Hudson Jackson Johnson Keener Lawson McDavid Musgrove Norwood Porter Price Rains Sanders of D. Sanders of L. Simmons Stewart Taylor and Webster.

Those who voted in the negative, are messrs Bonham Davis Ellis Evans Farrar Fleming Hall of A. Hill of H. and D. Hill of S. Hollis Hopkins Jones of M. Jones of T. Lee Massey Mason Mirce Morrisett Nabors Oliver Pegues Rather Richardson Salter Sumners Walker Ware and M. D. Williams.

Mr Sanders of D. moved that the bill be indefinitely postponed, which was lost. Yeas 26, nays 37.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Armbruster Barron Beene Brown of J. Brown of M. Carithers Ellis Fortson Gayle Hall of B. Hollis Horton Johnson Jones of T. Lawson McDavid Musgrove Norwood Pegues Porter Sanders of D. Sanders of L. Stewart Taylor Webster and M. D. Williams.

Those who voted in the negative, are messrs Speaker Bonham Carmack Chamberlain Creagh Davis Evans Farrar Fleming Gardner Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Jones of M. Keener Lee Massey Mason McRae Mirce Morrisett Nabors Oliver Price Rains Rather Richardson Salter Simmons Walker and Ware.

Mr Porter moved the previous question. The main question was then put: shall this bill be engrossed and read the third time, and passed in the affirmative.

A message from the senate by Mr Conner: Mr Speaker—The senate have passed a bill of the following title, in which they ask the concurrence of the house of representatives: an act to change the time of holding the county court of Morgan county.

Mr Walker presented the petition of sundry inhabitants of Madison county, on the subject of the Indian Creek canal, which was read and referred to the representation from Madison county.

Mr Beene, from the judiciary committee, to whom was referred, the bill entitled an act to incorporate the Tusculum rail road insurance company reported sundry amendments, which were concurred in.

Mr McRae moved the following amendment, strike out "Jesse Godly" and insert "P. H. Prout and A. S. Christian," which was adopted. The bill was ordered to be engrossed for a third reading.

Mr McKae, from the select committee, to which was referred, sundry petitions submitting the removal of the seat of justice of Franklin county to a vote of the people, reported a bill to be entitled an act permanently to locate the seat of justice in Franklin county, and for other purposes, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith. Mr Lawson moved to amend the bill by striking out the word "otherwise" which was lost. Mr Horton moved to strike out the word "majority" with a view to insert the words "two thirds," which was carried. Yeas 31, nays 29.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Barton Beene Bonham Brown of J. Carmack Davis Ellis Fortson Hall of B. Harris Halls Horton Jackson Jones of M. Jones of T. Keener Lawson Lee McDavid Mirce Musgrove Norwood Porter Price Salter Simmons Stewart Sumner, Taylor Ware and M. D. Williams.

Those who voted in the negative, are messrs Speaker Armbruster Carithers Chamberlain Creagh Evans Farrar Fleming Gardner Gayle Hall of A. Hallett Hill of H. and D. Hopkins Houston Hudson Johnson Massey Mason McKae Morrisett Nabers Oliver Rains Rather Richardson Sanders of D. Sanders of L. Walker and Webster.

Mr Davis, who voted in the majority on the adoption of Mr Horton's amendment, moved to reconsider that vote.

And then the house adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—The house resumed the consideration of Mr Davis' motion to re-consider the vote on the adoption of Mr Horton's amendment to the bill entitled an act permanently to locate the seat of justice in Franklin county, which was carried. Yeas 36, nays 17.

The yeas and nays being demanded, those who voted in the affirmative are messrs Speaker Armbruster Bonham Carithers Chamberlain Creagh Davis Evans Fleming Gardner Hall of A. Hallett Hill of H. and D. Hill of S. Hopkins Houston Hudson Jones of T. Massey Mason McKae Norwood Oliver Pegues Price Rather Richardson Salter Sanders of D. Sanders of L. Stewart Sumners Taylor Walker and Webster.

Those who voted in the negative are messrs Beene Brown of M. Carmack Fortson Harris Horton Jackson Johnson Jones of M. Keener Lawson Lee Mirce Musgrove Simmons Ware and M. D. Williams.

The question recurred on the adoption of Mr Horton's amendment, and lost. Yeas 21, nays 36.

The yeas and nays being desired, those who voted in the affirmative, are messrs Beene Bonham Brown of J. Brown of M. Carmack Fortson Harris Horton Jackson Johnson Jones of M. Keener Lawson Lee Mirce Musgrove Simmons Stewart Ware and M. D. Williams.

Those who voted in the negative, are messrs Speaker Armbruster Carithers Chamberlain Creagh Davis Evans Farrar Fleming Gardner Gayle Hall of A. Hallett Hill of H. and D. Hill of S. Hopkins Houston Hudson Jones of T. Massey Mason McKae Morrisett Nabors Norwood Oliver Pegues Price Rather Richardson Salter Sanders of D. Sanders of L. Simmons Walker and Webster.

Mr Hudson moved the following amendment to the third section "if a majority of the votes taken as aforesaid shall be in favor of a removal of the seat of justice to Tuscumbia, then and in that case," which was adopted. The bill was ordered to be engrossed for a third reading and made the special order of the day for to-morrow.

Mr Gardner, from the select committee, to which was referred, the bill from the senate entitled an act to explain an act further to provide for the location of the seat of justice in Pickens county, reported the bill without amendment, it was ordered to a third reading.

Mr Gardner, from the committee on divorce and alimony, to which was referred, the decree of the circuit court of Greene county, exercising chancery jurisdiction in the case of Ebenezer Whiting against Lucy M. Whiting, for divorce; reported a bill to be entitled an act divorcing Ebenezer Whiting from his wife Lucy M. Whiting, which was read the first time, and the rule requiring bills to be read on three several days being dispensed

with, it was read the second time forthwith, and the rule being further dispensed with, it was considered as engrossed and read the third time forthwith, and passed by a constitutional majority. Yeas 45, nays 12.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Ellis Farrar Fleming Fortson Gardner Gayle Hall of A. Hallett Harris Hill of H. and D. Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Massey Mason McDavid Morrisett Norwood Oliver Rains Rather Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Ware Webster and M. D. Williams.

Those who voted in the negative, are messrs Creagh Evans Hill of S. Hudson Lawson McRae Miree Musgrove Nabors Pegues Sumners and Walker.

The house resumed the consideration of Mr Chamberlain's amendment to the bill entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census, which was carried. Yeas 33, nays 26.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Beene Brown of J. Brown of M. Carithers Chamberlain Davis Evans Farrar Fleming Gayle Hall of A. Hallett Harris Hill of H. and D. Hopkins Horton Johnson Jones of M. Jones of T. Mason McDavid McRae Norwood Porter Rains Salter Sanders of D. Sanders of L. Walker Webster and M. D. Williams.

Those who voted in the negative, are messrs Bonham Carmack Creagh Ellis Fortson Gardner Hill of S. Houston Hudson Keener Lawson Lee Massey Miree Morrisett Musgrove Nabors Oliver Pegues Rather Richardson Simmons Stewart Sumners Taylor and Ware.

Mr Ware moved the previous question.

Mr Hopkins moved a call of the house, when the following members appeared and answered to their names, viz:

Messrs Speaker Armbrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson-Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

The further consideration of the bill was postponed for one hour.

The bill entitled an act making it the duty of the sheriffs of the different counties in this State, to take the sense of the people in relation to the expediency of establishing a penitentiary, was read the second time. Mr Norwood moved the following amendment, add after the word "sheriffs" the words "coroners or other officers holding the election," which was adopted, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read a third time and passed. Yeas 53, nays 8.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Barron Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Ellis Evans Farrar Fleming Fortson Gardner Gayle Hall of A. Hallett Harris Hill of H. and D. Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Lawson Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Oliver Pegues Porter Price Rains Rather Richardson Salter Sanders of D. Sanders of L. Simmons Stewart Taylor Walker Ware Webster and M. D. Williams.

Those who voted in the negative, are messrs Beene Davis Hill of S. Keener Lee Miree Nabors and Sumners.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Fleming moved that the house adjourn until to-morrow at 10 o'clock, which was lost. Yeas 8, nays 53.

The yeas and nays being desired, those who voted in the affirmative, are messrs Carmack Creagh Fleming Harris Hopkins Johnson Mason and Salter.

Those who voted in the negative, are messrs Speaker Armbrester Barron Beene Bonham Brown of J. Brown of M. Carithers Chamberlain Davis Ellis Evans Farrar Fortson Gardner Gayle Hall of A. Hallett Hill of H. and D. Hill of S. Horton Houston Hudson Jones of M. Jones of T. Keener Lawson Lee Massey McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Price Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker Ware Webster and M. D. Williams.

Ordered, that the absentees be excused on Mr Hopkins' call of the house.

The house resumed the consideration of the bill from the senate, entitled an act, to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census. Mr Porter moved the main question, which was carried. Yeas 37, nays 23.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbrester Barron Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Evans Farrar Fortson Gardner Gayle Hall of A. Hill of H. and D. Hill of S. Horton Jones of T. Keener Lee Massey McDavid Miree Musgrove Oliver Pegues Porter Price Rains Richardson Simmons Stewart Sumners and Taylor.

Those who voted in the negative, are messrs Creagh Ellis Hallett Harris Hopkins Houston Hudson Johnson Jones of M. Lawson Mason McRae Morrisett Nabors Norwood Rather Salter Sanders of D. Sanders of L. Walker Ware Webster and M. D. Williams.

The question was then put on ordering the bill to a third reading and carried. Yeas 44, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbrester Barron Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Evans Farrar Fortson Gardner Gayle Hall of A. Hallett Hill of H. and D. Hill of S. Horton Jones of T. Lee Massey McDavid Miree Musgrove Nabors Oliver Pegues Porter Price Rains Richardson Salter Sanders of D. Simmons Sumners Taylor Ware and M. D. Williams.

Those who voted in the negative are messrs Ellis Harris Hopkins Houston Hudson Jones of M. Lawson Mason McRae Morrisett Norwood Rather Sanders of L. Stewart Walker and Webster.

Mr Hopkins moved that the house adjourn until to-morrow at 10 o'clock, which was lost. Yeas 25, nays 25.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbrester Carmack Creagh Ellis Evans Hallett Harris Hill of H. and D. Hill of S. Hopkins Johnson Jones of M. Lawson Massey Mason McRae Musgrove Rains Rather Salter Sanders of D. Sanders of L. Sumners and Webster.

Those who voted in the negative, are messrs Barron Beene Bonham Brown of J. Brown of M. Carithers Chamberlain Davis Farrar Fortson Gardner Gayle Hall of A. Hall of B. Houston Hudson Jones of T. Keener Lee McDavid Miree Morrisett Nabors Norwood Oliver Pegues Porter Price Richardson Simmons Stewart Taylor Walker Ware and M. D. Williams.

The bill was ordered to a third reading.

Mr Sanders of D. moved that the house adjourn until to-morrow at 10 o'clock, which was carried. Yeas 33, nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Armbrester Beene Brown of J. Brown of M. Carmack Chamberlain Creagh Ellis Gardner Hallett Harris Hill of S. Hopkins Houston Hudson Johnson Jones of M. Jones of T. Lawson Massey Mason McRae Porter Rains Rather Salter Sanders of D. Sanders of L. Stewart Sumners Webster and M. D. Williams.

Those who voted in the negative, are messrs Barron Bonham Carithers Davis Evans Farrar Fortson Gayle Hall of A. Hill of H. and D. Horton Keener Lee McDavid Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Price Richardson Simmons Taylor Walker and Ware.

And then the house adjourned.

Friday, January 10, 1834.—A message from the senate by mr Conner: Mr Speaker—The senate have passed bills which originated in the house of representatives, of the following titles, viz: an act to amend the road laws within the county of Mobile and for other purposes; an act supplemental to an act, to incorporate the merchants insurance company of Huntsville; an act to provide for the election of commissioners in the town of North Tuscaloosa, and to appoint commissioners to superintend the public buildings in the county of Walker; an act to form a company beat of militia, of a less number of privates than forty in the county of Franklin; an act to incorporate the town of Louisville, in Barbour county. They have also passed bills of the following titles from the house, which they have

amended as therein shown; an act to provide a fund for compensating the grand and petit jurors of the county of Marion; an act to amend an act, incorporating the town of Huntsville, passed January 9, 1828. They concur with the house of representatives in the resolution to appoint a committee to prepare rules for the government of the two houses, while convened in the representative hall for the purpose of joint elections, and have appointed on their part, messrs Lyon, Hogan and Lane. The senate also concurs in the resolution from the house of representatives, proposing to adjourn *sine die*, on Saturday the 18th instant, at 6 o'clock, P. M. They concur with the resolution from the house of representatives, proposing to go into an election for a president and twelve directors for the bank of the State of Alabama, and have amended the same by adding a judge of the county court for Butler county.

Ordered, that the house concur in the amendment made by the senate to said resolution. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act, to change the time of holding the county courts of Morgan county, was read the first time, and the rule being dispensed with, it was read the second and third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Ordered, that the house concur in the amendment made by the senate to the bill entitled an act, to provide a fund for compensating the grand and petit jurors of the county of Marion.

Ordered, that the house concur in the amendment made by the senate to the bill entitled an act, incorporating the town of Huntsville, passed January 3, 1828. *Ordered*, that the clerk acquaint the senate therewith.

Mr Hopkins from the judiciary committee, to which was referred the bill entitled an act, to protect the Creek Indians in their reservations, reported a substitute in lieu thereof. Mr Bonham moved that the report lie on the table, which was lost. Yeas 8, nays 50.

The yeas and nays being desired, those who voted in the affirmative, are messrs Beene Bonham Evans Gayle Lee Miree Oliver and Ware.

Those who voted in the negative, are messrs Speaker Ambrester Bowin Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Farrar Fleming Fortson Gardner Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Morrisett Musgrove Nabors Norwood Porter Pyle Rains Rather Salter Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Webster and M. D. Williams.

The report was concurred in and the substitute adopted. Mr Gayle moved the following amendment: "to go to the use of the county in which such case or cases may be tried." Mr Hall of B. moved the previous question, which call was sustained. The bill was then ordered to be engrossed for a third reading.

Mr Hudson presented the account of William Y. Glover, sheriff of Tuscaloosa county, which was read and referred to the committee on accounts.

Mr Hallett presented the account of Jesse Beene, which was read and referred to the committee on accounts.

Mr Morrisett from the committee on propositions and grievances, to whom was referred the bill from the senate entitled an act, for the relief of Isaac H. Roberts, reported a substitute in lieu thereof, which was adopted. Mr Hall of A. moved to amend the bill, by striking out the word "three," to insert the word "four," so that the bill will read four hundred instead of three hundred, which was adopted, and the rule was dispensed with and the bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Mr Beene from the judiciary committee, to which was referred the bill entitled an act, to authorize the citizens of the town of Wetumpka, on the west side of Coosa river, to elect a justice of the peace and constable for that part of said town, reported the same, inexpedient, in which report the house concurred.

Mr Norwood from the military committee, to which was referred the petition of the 40th regiment of Alabama militia, reported a bill to be entitled an act, for the organization and regulation of the 40th regiment, 15th brigade and 6th division of Alabama militia, which was read the first time and the rule being dispensed with, it was read the second and third time, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Hallett from the committee on accounts, to which was referred a resolution instructing them to inquire into the compensation proper to be allowed John G. Aikin for superintending the printing, comparing the proof sheets and making an index to the new digest; and also for digesting the acts of the last session and called session of the legislature, reported a bill to be entitled an act, compensating John G. Aikin for certain services therein named, which was read and ordered to a second reading.

Mr Hill of H. and D. from the select committee, to whom was referred the bill entitled an act, to authorize certain persons therein named, to charge toll at the western abutment of the bridge across the Chattahoochie, opposite Columbus Georgia, reported sundry amendments, which were concurred in, and the rule being dispensed with, it was considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Gayle from the select committee, to which was referred the petition of sundry citizens of Lowndes county, praying the general assembly to legalize the accounts of Selden A. McMeans, contracted in the capacity of a physician, and to grant him permission to practice medicine for the term of two years, without license from the medical board of Alabama, reported a bill to be entitled an act, to authorize Selden A. McMeans of Lowndes county, to practice medicine for two years and for other purposes, which was read and ordered to a second reading.

A message from the senate by Mr Conner: Mr Speaker—The senate have concurred in the amendment made to their bill for the relief of Isaac H. Roberts.

The house then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act, permanently to locate the seat of justice, in Franklin county and for other purposes, was read the third time. Mr Bonham moved that the bill be postponed til Monday next, which was lost. The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, to repeal in part an act now in force, confining the collecting of debts before a justice of the peace in the beat where the contract was made. Mr Hopkins moved to amend the bill by inserting the letter "S." to the word "county," and by adding the word "Madison" after the word "Jefferson," which was carried. Mr Rather moved to postpone the further consideration of the bill to the 20th instant, which was lost. Yeas 9, nays 42.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Bonham Bowin Dubose Gardner Hall of B. Keener Rather Sanders of L. and M. D. Williams.

Those who voted in the negative, are messrs Speaker Beene Brown of J. Brown of M. Carithers Carmack Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle

Hall of A. Hallett Harris Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid Miree Morrisett Musgrove Price Rains Salter Simmons Stewart Sumners Taylor Ware and Webster.

Mr Jackson moved to amend the bill by inserting "Lauderdale" after Madison, which was adopted. Mr Musgrove moved to amend it by inserting Blount after Lauderdale, which was adopted. Mr Sanders of L. moved to amend it by adding "Limestone" after Blount, which was adopted. The bill was ordered to be engrossed for a third reading.

The report of the judiciary committee on the petition of Levi Cummings, was concurred in.

The bill entitled an act, for the temporary relief of certain persons indebted to the bank of the State of Alabama, was read the second time. Mr Sanders of L. moved to amend it by adding an additional section, which was adopted. Mr Lawson moved the following amendment: "and all other persons who may be in like situation by any agent or agents, shall be entitled to the same relief," which was lost. The question was on ordering the bill to be engrossed and read a third time, and passed in the affirmative. Yeas 37, nays 21.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbruster Brown of M. Carmack Chamberlain Evans Farrar Fleming Gardner Gayle Hall of A. Hall of B. Hallett Hill of H. and D. Hopkins Houston Johnson Jones of M. Jones of T. Massey Mason McDavid Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Price Rains Rather Sanders of L. Sumners Taylor Webster and M. D. Williams.

Those who voted in the negative, are messrs Beene Bowin Brown of J. Carithers Creagh Davis Dubose Ellis Fortson Harris Hollis Hudson Jackson Keener Lawson Lee Miree Sanders of D. Simmons Stewart and Ware.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled, a bill entitled an act for the relief of Isaac H. Roberts.

Engrossed bills of the following titles, to wit: an act to incorporate the town of Wetumpka; an act to repeal an act entitled an act, to regulate the payment of petit jurors in the county of Baldwin and for other purposes; an act to attach a part of St. Clair to Jackson county; an act to compel the county court judge of the county of Greene, to reside at or within two miles of the county seat; an act to incorporate the Centreville light-horse company; an act to incorporate the trustees of the Centreville academy, in the county of Bibb; an act to incorporate the town of Wetumpka; and an act to establish a certain road therein named, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill from the senate entitled an act, to organize the militia of certain counties therein named, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act, for the relief of Charlotte A. A. Baker and Charlotte Dilliard, was read the second time and ordered to a third reading.

The bill entitled an act, to attach the militia of Sumpter county to the 6th brigade of Alabama militia, was read the second time and ordered to be engrossed for a third reading.

The house then adjourned til 3 o'clock this evening.

Evening Session, 3 o'clock.—The bill entitled an act, to regulate the rate of ferriage at the ferry at or near Vernon, in Autauga county, was read the second time, and the rule being dispensed with, it was considered as engrossed and read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the senate by mr Conner: Mr Speaker—The senate have adopted the following resolution: *Resolved*, That the secretary be directed to report to the house of representatives, a copy of the amendment reported by the bill entitled an act, to establish a branch of the bank of the State of Alabama at ———, providing that said branch bank shall be located by a joint vote of both houses of the general assembly, and adopted by the senate as a part of said bill; and which said amendment has been by mistake separated from said bill, and that the house of representatives be requested to permit said amendment to be attached to the bill as contemplated by the senate. Mr Creagh moved that the message with the accompanying document lie on the table, which was carried. Yeas 33, nays 24.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Bowin Brown of J. Carithers Carmack Chamberlain Creagh Davis Dubose Evans Farrar Fortson Gardner Hall of B. Hill of H. and D. Hollis Hudson Jackson Johnson Massey McRae Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Salter Simmons Sumners and Taylor.

Those who voted in the negative, are messrs Beene Fleming Gayle Hall of A. Hallett Harris Hopkins Houston Jones of M. Jones of T. Lawson Lee Mason McDavid Ormond Price Rains Rather Sanders of D. Sanders of L. Stewart Ware Webster and M. D. Williams.

Engrossed bills of the following titles, to wit: an act to authorize a lottery for the improvement of the public square and streets in the town of Florence, in the county of Lauderdale; and an act to incorporate the Tusculumbia rail road insurance company, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Bills from the senate of the following titles, to wit: an act to explain an act entitled an act, further to provide for the location of the seat of justice in Pickens county, passed January 13, 1830; and an act for the relief of David Ballew, were severally read the third time and passed. *Ordered*; that their titles be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Ordered, that mr Rhodes have leave of absence for the remainder of the session.

Ordered, that mr Richardson have leave of absence until Monday next.

A message from the senate by mr Conner, their secretary: Mr Speaker; The senate have passed bills of the following titles: an act to reduce the tax fees of attornies of the bank of the State of Alabama and its branches and for other purposes; an act to change the manner of ordering elections for brigadier generals. In which they ask the concurrence of the house.

The engrossed bill entitled an act, to incorporate the Demopolis rail road company, was read the third time. Mr Rains moved the following amendment as an engrossed ryder, after the word "Perry" in the 7th section, insert the following: "and from thence with the consent of the Daletown, Woodville and Greensborough rail road company, first had and obtained; to proceed and be continued with the rail road of said company at Woodville," which was adopted. Mr Morrisett moved to refer the bill to a select committee, which was lost.

Mr Lee moved a call of the house, when the following members appeared and answered to their names, viz:

Messrs Speaker Armbrester Barron Beene Bonham Bowin Brickell Brown of J. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

The further consideration of the bill was postponed for one hour.

The bill from the senate entitled an act, to reduce the tax fees of attornies of the bank of the State of Alabama and its branches and for other purposes was read, and the rule being dispensed with, it was read a second time forthwith and referred to the committee on the State Bank.

The bill from the senate entitled an act, to change the manner of ordering elections for brigadier generals. was read and the rule being dispensed with, it was read the second time forthwith and referred to the military committee.

Mr M. D. Williams presented the memorial of James Childress, a citizen of Tuscaloosa. *Ordered*, that it lie on the table.

Mr Hall of A. called up the bill entitled an act, to incorporate a company to build a toll bridge across the Coosa river, at Wetumpka, it was read a second time. Mr Hall moved an amendment to said bill which was agreed to; the rule was dispensed with, it was considered as engrossed and read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Ordered, that the absentees be excused on mr Lee's call of the house.

The house resumed the consideration of the bill entitled an act, to incorporate the Demopolis rail road company. Mr Lee moved the following amendment by way of rider: "provided that the company incorporated by this charter, shall not proceed to act or avail themselves of the privileges allowed by it, unless the stockholders of said company consent to become joint stockholders with the company incorporated, under the name of the Woodville, Greensborough and Daletown rail road company," which was lost. Yeas 22, nays 34.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Beene Bowin Fortson Hall of B. Hill of H. and D. Hollis Johnson Keener Lawson Lee Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Salter Sanders of D. Simmons and Ware.

Those who voted in the negative, are messrs Armbruster Brown of J. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Gardner Gayle Hall of A. Hallett Harris Hopkins Hudson Jackson Jones of M. Jones of T. Massey Mason McDavid McRae Ormond Price Rains Rather Sanders of L. Stewart Summers Taylor and M. D. Williams.

The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Mr Jackson who voted in the majority on concurrence with the report of the judiciary committee, on the petition of Levi Cummings, moved to re-consider that vote, which was carried. Mr Sanders of L. moved to refer the report and accompanying documents to a select committee: whereupon, messrs Sanders of L. Harris and Jackson were appointed.

The bill entitled an act, making an appropriation for the payment of the members and officers of the present general assembly, was read the second time, and the rule being dispensed with, it was considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The house then adjourned until to-morrow at 10 o'clock.

Saturday, January 11, 1834.—A message from the senate by Mr Conner their secretary—Mr Speaker: the senate have passed bills of the following titles, to wit: An act to change the time of holding the county court of Autauga; an act for the relief of Terry Riddle; joint memorial to the Congress of the United States; in which the concurrence of the House is asked. They have also passed bills from the House of Representatives of the following titles; an act to form a company beat of militia of a less number of privates than forty in the county of Tuscaloosa; An act for the relief of Perseverance fire engine company, No. 1, of the city

of Mobile; an act permanently to locate the seat of justice of Franklin county, and for other purposes; an act to divorce certain persons therein named; an act making it the duty of the sheriff, coroner or other officers holding the election of the different counties in this State to take the sense of the people in relation to the expediency of establishing a penitentiary an act for the relief of Henry Stovall; an act to locate permanently the seat of justice in the county of Henry; the last of which they have amended as herewith shewn, in which they ask the concurrence of the house of representatives.

The bill from the senate entitled an act to change the time of holding the county court of Autauga county, was read the first time, and the rule being suspended, it was read the second and third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the senate therewith. Joint memorial from the senate to the Congress of the United States was read and ordered to a second reading. The bill from the Senate entitled an act for the relief of Terry Riddle was read and ordered to a second reading. *Ordered* that the house concur in the amendments made by the senate to the bill entitled an act to locate permanently the seat of justice for the county of Henry.

Mr Jones of T. presented sundry accounts; they were severally read and referred to the committee on accounts.

Mr Lawson presented the account of Mitchell McFarlane, which was read and referred to the committee on propositions and grievances.

Mr Ware presented the account of Willie McGuire, which was read and referred to the committee on propositions and grievances.

Mr Fleming from the military committee, to which was referred the bill from the senate entitled an act to organize a legion of volunteers in the city and county of Mobile, reported an amendment to said bill, which was adopted.

Mr Hall of B moved to amend the bill by way of ryder at the end of the first section by way of proviso, which was adopted; the bill was then ordered to a third reading.

Mr Creagh, from the committee on ways and means, to which was referred a resolution instructing them to inquire into the expediency of providing the means for discharging the State loan of two hundred thousand dollars, either by negotiating a new loan, or in such other mode as may best comport with the interest of the State, reported a bill to be entitled an act to authorise and require the president and directors of the bank of the State of Alabama to pay-off the certificates of State stock, issued in conformity of a law of 1823; which was read, and the rule being dispensed with, it was read the second time and third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Creagh, from the committee on ways and means, to which was referred a resolution instructing the committee to inquire into the expediency of reducing the taxes; and also a resolution instructing them to enquire into the expediency of passing a law authorising the judges of the county courts and commissioners of roads and revenue to levy a county tax not exceeding one hundred per cent. on the State tax for county purposes, reported a bill to be entitled an act to reduce the taxes, which was read and ordered to be laid on the table.

Mr. Jackson made the following report:

The joint committee appointed by both houses of the general assembly to examine the affairs and condition of the Bank of the State of Alabama, have performed the duties assigned them, and beg leave to report: that they have given the subject as much attention as was in their power, and in some instances have gone into a much more minute examination than has been customary; in order to test by all the means in their power the situation

of the debts in suit as well as the solvency of those persons indebted to the bank; they have pursued the usual course of inviting the members from the respective counties to examine lists of the parties to each note as well as bills of exchange due to the bank and in suit; this inspection was confined to such notes discounted and such bills as were under protest and in suit; but did not extend to the masses of exchange bought within the month of December, and in payment of notes then falling due; to go into an examination of such paper would be an unseaworthiness of time, and no benefit could result from it.

On the 21st December, ultimo, we caused the state of the bank to be made up to include that day and took possession of the vault; the result of this investigation establishes the fact that the capital stock on that day was \$976,118 83 2-5, which is more fully explained in exhibit [A.] Of this stock there is one hundred thousand dollars 5 per cent., falling due on the first of October next, and is payable at the counter of this bank, and provision must be made by law for the redemption of the same by the present legislature; this payment can be made with ease by the bank.

In addition to the capital above mentioned, the bank was indebted for its own notes in circulation, in the sum of \$34,335 dollars; to individual depositors, which includes state treasurer's account, agents of the University &c. \$219,568 41. This sum may be considered as almost a permanent deposit; for when the agent of the University pays over the large sum now in his hands, it must constitute stock to the credit of that institution. The sum of \$49,906 51 to the school fund is a permanent deposit.

The bank held in notes discounted on that day \$890,833 50; and bills of exchange falling due on Mobile and New Orleans, the sum of \$31,143 dollars; and there was due her on account with other banks, the sum of \$87,595 3; she had in cash on that day, notes of other banks one hundred and twenty-two thousand two hundred and twenty-seven dollars, specie, \$27,028 33. We find the books of the bank make a showing of \$118,339 76, as a gain since the report of the last year.

The document marked [B] will at one view exhibit the bad and doubtful debts, as well as the frugities of Mosley Baker. The bad debts amount to twenty-two thousand nine hundred and fifty-six dollars, and the frauds twenty-one thousand seven hundred and ninety-seven dollars and six cents; making an amount of forty-four thousand seven hundred and fifty-three dollars; which has been pronounced as desperate. It is impossible to ascertain with any degree of certainty what amount may be collected that is now in suit, viz: one hundred and seventy-nine thousand two hundred and fifty-five dollars, of this sum one hundred and thirty-eight thousand seven hundred and ninety-four dollars, has been pronounced good; and seventeen thousand five hundred and five dollars doubtful. This statement is made upon the authority of the senators and representatives from the respective counties and shows the necessity of creating more punctuality among the dealers of the bank; and the committee recommend to the board of directors that where the parties to a note or bill of exchange permit their paper to lay over without the most ample and satisfactory reasons, to dishonor the names of such persons; and in future give them no credit, as the prosperity of all banks must depend much on the punctuality of their customers. The committee would at the same time recommend the board to use a sound discretion in bringing suit on protested bills of exchange: where the drawer of a bill is known to be perfectly good, the committee cannot see the necessity or propriety of multiplying costs by suing the endorsers; they believe that discrediting the names of such persons would be sufficient to induce them in future to be more cautious, and make the parties more prompt in discharging their obligations to the bank. It will be seen that there has been an increase of bank capital amounting to two hundred and four thousand five hundred and seventy-eight dollars since last year's report, which is accounted for as follows: Revenue fund has increased one hundred and fifteen thousand nine hundred and thirty-six dollars; three per cent. fund fifty-three thousand seven hundred and ninety-three dollars; and University fund thirty-four thousand eight hundred and forty-nine dollars; and there is now to the credit of C. Perkins, agent of the University, thirty thousand four hundred and ninety-five dollars, which it is presumed will be invested as the law directs, in stock.

We find upon a comparison with the last year's report, and the present, that although the capital has increased about two hundred thousand dollars; the bank holds at this time about the same amount of paper, say: on the 15th December, 1832, one million six hundred and sixty-two thousand, seven hundred and three dollars sixty-four cents; and on the 21st December, 1833, it had one million seven hundred and twenty-seven thousand nine hundred and eighty-one dollar and fifty cents, being an increase of sixty-five thousand two hundred and seventy-seven dollars and eighty-six cents; this may be caused by the payment to the Decatur bank of the Tennessee canal and school fund, amounting to two hundred and five thousand three hundred and twelve dollars, and the common school fund, transferred to the branch bank at Montgomery amounting to nineteen thousand one hundred and fifty-four dollars; making the sum of two hundred and twenty-four thousand four hundred and sixty-six dollars; which fund was available for banking purposes. Your committee cannot avoid the opinion that the present mode of making discounts as to the time is wrong and oppressive upon the public; the notes are now all made to fall due on the 1st and 4th of January, your committee believe that the notes discounted between the 15th November and the 15th February should be permitted to run to maturity, not to exceed one year from that period, and all other paper discounted, to be made payable on the 1st January, as is now the case. That the mode would not be so oppressive on the officers of the bank, or the public, as the old system has been, the committee do not deem any legislation necessary to produce this result, as the board has the entire control of the subject, by the repeal of that part of the charter which requires discounts to be made between the 1st and 15th of January, but deem it proper to give it as their opinion, and would recommend a course of that sort to be adopted.

Your committee have gone into a minute examination of the proceedings of the board, and find that heavy damages have been remitted, and in many instances have been refunded to persons on protested bills of exchange, after suit had been commenced and judgment obtained and payment made into the bank; believing the board have no such power they cannot avoid the expression of their opinion upon this subject, and find it their duty to cause a statement of the cases they found on the minutes of the board to be made out; which shows that the sum of three thousand eight hundred and fifty-three dollars sixty cents has been given away without any authority of law; and in many cases, without any reasons assigned upon the minutes of the board. The paper marked [C] shows each case as we have found them on the minutes of the proceedings of the board, as kept by the president.

For several years past, this bank has been transacting business with the branch bank of the United States at Mobile, and it appears that the conduct of said bank, towards the State Institution, was such as to draw forth the following resolution which your committee deem proper in the same spirit which originated the resolution, to give publicity to the sentiments therein contained. They are as follows:

Resolved, by the President and Directors of the Bank of the State of Alabama, That as an act of justice to wards the office of discount and deposit of the Bank of the United States at Mobile, and in order to give utterance and perpetuity to the sentiments of the board, in relation to that institution, it is due to say, that from its high-minded, just and liberal policy towards this bank, it is entitled to our warmest approbation, and that the wisdom and prudence by which it has been guided, has had a powerful agency in elevating the character of the circulating medium of the State, and imparting a tone of health, activity and vigor to the commercial and married transactions through all the ramifications of society."

The business of this bank has been transferred to the branch at Mobile, and closed with that of the United States branch. The paper marked [D] is an exhibit of all the blank paper received as well as a complete statement of that part of our examination. Paper marked [E] is an exhibit of the state of the bank on the 7th instant, and shows great reduction of notes, but is merely an exchange of one sort of paper for that of another, for as the notes decrease, so the bills of exchange have increased.

Your committee cannot close this report without bearing testimony to the talents and ability of the cashier of this institution, and the facility with which he threw light upon every transaction of the bank, and would recommend an increase of his salary as proposed in a bill now before the house of representatives. Document marked [F] is a statement of discounts made by all the banks to the several counties in this State, and is annexed for general information.

JOHN B. HOGAN,
F. S. LYON,
J. W. LANE,
On the part of the Senate.

JAMES JACKSON,
W. R. HALLETT,
J. J. ORMOND,
On the part of the House.

Ordered, That said report lie on the table, and that 500 copies be printed.

Mr Jackson from the committee on the state bank; to which was referred the bill from the senate entitled an act to establish a branch of the Bank of the state of Alabama, at ———, reported the following amendment: "strike out the proviso to the 6th section," which was adopted. Mr. Hopkins moved that the bill lie on the table, which was carried.

Mr Hopkins called up the message from the senate on the subject of the bill. Mr. Hopkins then called up the bill. Mr. Hopkins moved that the bill be referred to a select committee with instructions to inquire whether the message and accompanying document compose a part of said bill, which was carried. Whereupon messrs. Hopkins, Fleming and Jackson were appointed said committee.

Mr. Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled bills of the following titles to wit: an act to incorporate the Athens railroad company; an act to appoint commissioners for the county of Sumpter to survey and sell town lots in the town of Livingston, the seat of justice thereof, and to erect public buildings in the same; an act to repeal in part an act entitled an act to authorise the judge of the county court and commissioners of roads and revenue of Wilcox county to lay an extra tax for the purpose of building a jail in said county; an act supplemental to an act authorising a lottery for the improvement of a road therein named, passed the 17th December, 1832; an act to change the time of holding the county courts of Dallas county; an act to authorise the levying of an additional county tax of the county of Lawrence; an act to repeal an act for the relief of the sheriff of St. Clair county; an act to permit the entry of certain lands therein named at the land office in Courtland.

Mr. Lawson from the select committee, to which was referred the report of the judiciary committee founded on the petition of Levi Cummings, together with the said petition and the documents, reported a bill to be entitled an act for the relief of Levi Cummings, which was read a first and second time forthwith. Mr Jackson moved to amend the second section by striking out all of the second section except the proviso, which was carried. Yeas 34, nays 17.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbrister Barron Beene Bonham Bowen Brown of J. Brown of M. Carithers Carmack Creagh Dubose Evans Fortson Gardner Hall of A. Hill of H. and D. Horton Hudson Jackson Johnson Jones of T. Massey McDavid Miree Morrisett Musgrove Nabors Ormond Rather Salter Simmons and Taylor.

Those who voted in the negative, are messrs Gayle Hall of B. Hallett Harris Hopkins Houston Lawson Mason McRae Porter, Price Sanders of D. Sanders of L. Stewart Ware Webster and M. D. Williams.

Mr Sanders of L moved the following amendment: "together with the interest from the time the money was paid in the land office at Courtland."

Mr Harris moved that the further consideration of the bill be postponed to the 18th inst. which was lost. The question recurred on Mr Sanders' amendment & carried. It was ordered to be engrossed for a third reading.

Mr Hill of H and D from the select committee to which was referred the petition of sundry citizens of the county of Covington praying that said county be abolished, reported that the prayer of said petitioners ought not to be granted, and asked leave to be discharged from the further consideration of the subject, which was granted.

Mr Rather from the select committee to which was referred the bill entitled an act to change the time of holding the courts in the fifth judicial circuit, reported that the passage of the bill at this time is inexpedient, in which report the house concurred.

Mr Hallett from the Committee on accounts to which was referred the account of Ebenezer Pond, Adam Ludham, Davis Moore, Polydore Nayler James H. Gorman and sundry jury certificates from Madison and Autauga counties, reported said accounts back to the house as not being chargeable to the State, and asked leave to be discharged from the further consideration thereof. Mr Porter moved that the report so far as relates to the claims from Monroe county be laid on the table, which was carried. The report was then concurred in.

On motion of Mr Porter, *Resolved* that the judiciary committee be requested to inquire whether the account of Benjamin Hunt referred to the committee on accounts be a proper charge against the State.

A message from the senate by Mr Conner; Mr Speaker: The senate have passed bills of the following titles, viz: an act to incorporate for a limited time the Paint Rock River Navigation Company; joint resolution proposing an amendment to the constitution of the State of Alabama so as to authorise the election of judges of the county courts by the qualified electors of each county, in which they ask the concurrence of the house of representatives.

The bill from the senate entitled an act to incorporate for a limited time the Paint Rock River Navigation Company, which was read the first time and the rule being dispensed with, it was read the second time forthwith and passed *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the senate for concurrence. Joint resolution proposing an amendment to the constitution of the State of Alabama so as to authorise the election of judges of the county courts, which was read and ordered to a second reading.

Mr Hallet made the following report: The committee on accounts, to which was referred the accounts of S T Lewis, W Cocke and E Coltham, jailers of Perry county, and Richard W Griff, sheriff of Henry county, have had the same under consideration and beg leave to report the said accounts back to the house, the same not having been properly authenticated, also sundry accounts of the sheriff of Limestone county. *Ordered* that said report lie on the table.

Mr M D Williams from the committee on education to which was referred a resolution instructing them to draft a memorial to the Congress of the United States, asking for a grant of land for the use of each township wherein the 16th sections have proved valueless; reported a joint memorial to the Congress of the United States, requesting the right of a grant of land for each township wherein the 16th sections have proved valueless, which was read and ordered to a second reading.

Mr Morrisett from the committee on propositions and grievances to whom was referred the petition of the executors of William Murell, deceased, reported a bill to be entitled an act to allow the executors of William Murrell, half pay for a slave killed while under sentence of death, which was read the first time, and the rule being dispensed with, it was read the second time forthwith and ordered to be engrossed for a third reading.

Mr Hallett from the committee on accounts, to which was referred sundry claims against the State, reported a bill to be entitled an act making appropriations for the payment of certain claims against the State of Alabama, which was read the first and second time forthwith. Mr Harris moved the following amendment: in the first section, line 36, strike out the words "sixty one," and insert in lieu thereof the words "seventy-seven," which was lost. Mr Fleming moved the following amendment: strike out in the 1st section and 27th line "the sum of \$48 25 cents" and insert in

pen thereof \$68 25, which was lost. Mr Sanders of D. moved the previous question, which was sustained. The bill was ordered to be engrossed for a third reading.

Mr Carithers made the following report: the committee on-enrolled bills have examined and find correctly enrolled, an act to incorporate the town of Decatur. Mr Salter introduced a bill to be entitled an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company, which was read the first and second time forthwith and referred to the judiciary committee.

On motion of Mr Ellis, *Resolved*, that the Rev. Mr Hamilton have leave to preach in the hall of the house of representatives on to-morrow evening at 3 o'clock.

Mr Stewart introduced a bill entitled an act to ratify and confirm the acts of the commissioners of the 16th section, township No 7 and range No 6, west of the basis meridian of Huntsville, which was read the first and second time forthwith and considered as engrossed and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Lawson introduced a bill to be entitled an act to abolish the Medical Board of Alabama, which was read. Mr Sanders of D moved that it be indefinitely postponed, which was carried.

On motion of Mr Sanders of D. *Resolved*, that the clerk of this house be authorized to employ an additional assistant clerk for the purpose of enrolling bills, and that this resolution take effect on the 5th inst.

On motion of Mr Oliver, *Resolved*, that with the concurrence of the senate, the two houses will assemble in the representative hall on Monday at 3 o'clock for the purpose of electing a judge of the county court of Macon county. *Ordered*, that the clerk acquaint the senate therewith.

Mr Morrisett from the committee on propositions and grievances, to whom was referred the bill for the relief of John McAlister, sheriff of Greene county, reported the same without amendment and recommended its passage. The rule was dispensed with, it was considered as engrossed, read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

On motion of Mr Bonham, *Resolved*, that this house will permit of the introduction of no new business after Wednesday next.

Mr Ware introduced a bill to be entitled an act to incorporate the trustees of the Alabama institute of literature and industry, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, it was read the third time, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Mr McDavid introduced a bill to be entitled an act for the relief of Vienna Jolly, which was read the first time, and the rule being dispensed with, it was read the second and third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Keener introduced a bill to be entitled an act to authorize Thomas Pugh, clerk of the circuit court, and James G. Coleman clerk of the county court, to keep their office at the town of Louisville, in the county of Barbour, which was read, and the rule being suspended it was read the second and third time forthwith, considered as engrossed and passed. *Or-*

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Carmack introduced a bill to be entitled an act in relation to the duties of the treasurer of the State of Alabama, which was read the first and second time forthwith and ordered to be engrossed for a third reading.

Mr Hopkins moved that the house adjourn until 3 o'clock this evening, which was lost. Yeas 23. Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Brown of M. Carmack Creagh Fleming Hallett Harris Hopkins Horton Houston Hudson Johnson Lawson Mason McRae Musgrove Ormond Rather Sanders of L. Stewart Sumners Taylor Webster and M D Williams.

Those who voted in the negative are, Messrs. Speaker Ambrester Barron Beene Bonham Bowin Brown of J. Carithers Davis Dubose Evans Farrar Fortson Gardner Gayle Hall of A. Hall of B. Hill of H. & D. Jones of T. Keener, Lee, Massey, McDavid Miree Morrisett Nabors Norwood Oliver Pegues Porter Price Rains Sanders of D. Simmons and Ware.

Mr Fleming moved a call of the house, when the following members appeared and answered to their names, viz:

Messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins, Horton Houston Hudson Johnson Jones of T. Keener. Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T Williams.

The house then adjourned until 3 o'clock this evening.

Evening Session, 3 o'clock.—*Ordered*, that Mr Hill of S. have leave of absence for the remainder of the session.

The engrossed bill entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census, was read the third time. Mr McRae moved that the bill lie on the table, which was lost. Mr Horton moved the previous question which was sustained. Yeas 30, nays 28.

The yeas and nays being desired, those who voted in the affirmative, are messrs Barron Beene Bonham Bowin Brown of J. Brown of M. Carithers Davis Dubose Evans Farrar Fortson Gardner Gayle Hall of A. Hall of B. Hill of H. and D. Hollis Horton Keener Massey Miree Nabors Pegues Price Sanders of D. Simmons and Ware.

Those who voted in the negative, are messrs Speaker Ambrester Carmack Creagh Fleming Harris Hopkins Houston Hudson Jackson Johnson Jones of M. Lee Mason McDavid McRae Morrisett Musgrove Norwood Ormond Porter Rains Rather Sanders of L. Stewart Taylor Webster and M. D. Williams.

The bill passed. Yeas 36, nays 22.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Barron Beene Bonham Bow Brown of J. Brown of M. Carithers Davis Dubose Evans Farrar Fortson Gardner Gayle Hall of A. Hall of B. Hill of H. and D. Hollis Horton Keener Lee Massey McDavid Miree Nabors Oliver Pegues Porter Price Rains Sanders of D. Simmons Sumners Ware and M. D. Williams.

Those who voted in the negative, are messrs Ambrester Carmack Creagh Ellis Fleming Harris Hopkins Houston Hudson Jackson Johnson Jones of M. Lawson Mason McRae Morrisett Musgrove Norwood Ormond Rather Sanders of L. Stewart Taylor and Webster.

Ordered, that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

The bill entitled an act for the relief of the purchasers of the University lands being under consideration, Mr Jackson moved to amend the second section after the word "judgment," with the following proviso: *Provided*, that the said lands or any part thereof shall not be valued at a less price than eight dollars an acre, which was adopted. Mr Hopkins moved to strike out the second section, which was carried. Yeas 21, nays 19.

The yeas and nays being desired, those who voted in the affirmative, are messrs

Speaker Armbrester Barron Beane Carithers Creagh Davis Farrar Fortson Gardner Harris Hill of H. and D. Hopkins Houston Johnson Lee Massey Mason McDowell Mirce Morrisett Nabors Norwood Oliver Pegues Price Sanders of D. Simmons Sumners Ware and M. D. Williams.

Those who voted in the negative, are messrs Bonham Brown of J. Brown of M. Carmack Chamberlain Evans Fleming Horton Hudson Jackson Jones of M. McKrae Musgrove Ormond Porter Rather Sanders of L. Stewart and Taylor.

Mr McKrae moved the following amendment: *Provided*, in all cases, the individuals holding certificates shall be entitled to their lands by paying the original price by applying all the payments to the extinguishment of the principal by paying interest on the amount unpaid from the first day of April next, and the payment secured as contemplated in this act, which was lost, and the rule being dispensed with, the bill was taken as engrossed and read the third time and passed. *Ordered* that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the senate by Mr Conner: Mr Speaker—The senate have passed the following bill, which originated in the house of representatives, and have amended the same as therein shewn: An act making an appropriation for the payment of the members and officers of the present General Assembly. *Ordered*, that the house concur in the amendment made by the senate to the said bill. *Ordered*, that the clerk acquaint the senate therewith.

Mr Harris made the following report: The committee on enrolled bills have examined and carefully enrolled, An act making appropriations for the payment of the members and officers of the present General Assembly.

A message from the Senate by Mr Conner: Mr Speaker—the senate have passed a bill which originated in the house of representatives of the following title: An act to attach a part of the county of St. Clair to Jackson county, and have amended the same as therein shewn—They have passed a bill entitled an act to increase the capital stock of the Bank of Mobile and to extend its charter, and supplemental to the act entitled an act to establish a bank in the town of Mobile, passed 20th December, 1818, in which the concurrence of the House of Representatives is asked. *Ordered* that the House concur in the amendment by the Senate to the bill to attach a part of the county of St Clair to Jackson county. *Ordered* that the clerk acquaint the Senate therewith.

The house adjourned until Monday morning at 10 o'clock.

Monday, January 13, 1834.—*Ordered*, That Messrs. Davis, Rather and Houston be added to the committee on enrolled bills.

A message from the Senate by Mr. Conner: Mr Speaker—The senate have passed bills of the following titles, which originated in the House of Representatives: An act to authorize Peyton Bibb to erect a wharf on the Alabama river at a place therein named; an act to authorise a lottery for the improvement of the public square and streets in the town of Florence, in the county of Lauderdale; An act to incorporate the trustees of the Centerville Academy in the county of Bibb; an act to establish a certain road therein named; an act to repeal an act entitled an act to regulate the payment of petit jurors in the county of Baldwin, and for other purposes.

The bill from the senate entitled an act to increase the capital stock of the bank of Mobile and to extend its charter, and supplemental to the act entitled an act to establish a bank in the town of Mobile, passed 20th November, 1818, was read and ordered to a second reading.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, viz: An act to authorise the judge of the county court and commissioners

of roads and revenue for the county of Blount, to levy a special tax for the purpose of building a new court house and jail in the town of Blountsville for said county; an act to form a company beat of militia of a less number of privates than forty in the county of Franklin; an act to amend the road laws within the county of Mobile, and for other purposes; an act to provide for the election of commissioners within the town of North Tuscaloosa, and to appoint commissioners to superintend the public buildings in the county of Walker; an act supplemental to an act to incorporate the merchants' insurance company of Huntsville; an act to lay off a beat in that part of the Choctaw country west of the Tombeckbee river and lying in the limits of Pickens county.

Mr Jackson from the committee on the State Bank, to which two resolutions were referred inquiring into the expediency of setting apart a portion of the funds of the branch of the bank of the State of Alabama established at Mobile, to be loaned to the farming interest with such instructions as they may think necessary, reported a bill entitled an act to regulate the transactions of the branch of the bank of the state of Alabama at Mobile, which was read the first and second time forthwith. Mr Lawson moved to amend it by striking out the words "one third" with a view to insert one half. A division of the question being called for, the vote was first taken on striking out and lost. Yeas 6, nays 49.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Brown of M. Hall of B. Johnson Lawson Simmons and Taylor.

Those who voted in the negative, are messrs Speaker Armbruster Barron Beene Bonham Brown of J. Carithers Carmack Chamberlain Creagh Evans Farrar Fortson Gardner Harkins Hall of A. Hallett Hill of H. and D. Hopkins Houston Hudson Jones of M. Jones of T. Keener Lee Massey Mason McDavid McRae Mince Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Stewart Sumners Walker Ware and M. D. Williams.

Mr Bonham moved that the bill lie on the table, which was lost. The bill was ordered to be engrossed for a third reading.

Mr Creagh from the committee on ways and means, reported a bill to be entitled an act making appropriations for the year 1834, which was read the first time and ordered to a second reading.

Mr Ormond from the committee on inland navigation, to which was referred the petition of Kinney Pool, reported a bill to be entitled an act to authorize Kinney Pool to get coal from the bed of the Warrior river and for other purposes, which was read, and the rule being dispensed with, it was read the second and third time, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr McRae from the select committee, to which was referred the petition of Berry Green and others, praying that the proceeds arising from the sales of the 16th section be loaned to the purchasers of the same by paying eight per cent. per annum, reported that it is inexpedient to legislate on the subject, and asked leave to be discharged from the consideration thereof, which was granted.

Mr Musgrove presented the account of the sheriff of Blount county.

Mr Taylor presented the account of the sheriff of Fayette county.

They were severally read and referred to the committee on accounts.

Mr M. D. Williams introduced a bill to be entitled an act to extend to the Warrior Guards certain privileges granted to the Cahawba Guards by an act passed 2nd December, 1831, which was read the first time, and the rule being dispensed with, it was read the second and third time, consid-

ed as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Taylor introduced a bill to be entitled an act to reduce the number of jurors, to be drawn and summoned in future to attend the circuit courts in the county of Fayette, which was read the first time, and the rule being dispensed with, it was read the second and third time forthwith, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*; that the same be sent to the senate for their concurrence.

Mr Stewart introduced a bill for the relief of Edward Jones, which was read. Mr Barron moved that the bill lie on the table, which was lost. Yeas 15, nays 34.

The yeas and nays being desired, those who voted in the affirmative, are messrs Ambrister Barron Bonham Carmack Chamberlain Creagh Farrar Gardner Hall of B. Hopkins Jackson Pegues Richardson Rains and Sumners.

Those who voted in the negative, are messrs Speaker Brown of M. Carithers Ellis Fleming Harkins Hall of A. Hallett Hollis Horton Houston Hudson Johnson Jones of M. Keefer Lawson Massey McRae Miree Musgrove Norwood Oliver Ormond Price Rather Sanders of D. Saunders of L. Simmons Stewart Taylor Walker Ware and M. D. Williams.

It was ordered to a second reading.

Mr Creagh introduced a bill to be entitled an act to increase the salary of the solicitor of the first judicial circuit, which was read and ordered to a second reading.

Mr Ormond from the committee on inland navigation, to which was referred the petition of John M. Sally, George Grisham and Allen Levi, reported a bill to be entitled an act to authorise John M. Sally, George Grisham and Allen Levi, to open and make navigable Big Swamp creek in Lowndes county, which was read the first time, and the rule being dispensed with, it was read the second and third time forthwith, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence. Mr Ellis and Mr Lawson asked leave to record their vote in the passage of the apportionment bill, which was granted them.

Mr Morrisett from the select committee, to which was referred the bill to appropriate the money arising from the sale of lots to the use of the public buildings in Monroe county, reported a substitute in lieu thereof, which was adopted, the rule was dispensed with, the bill taken as engrossed, and read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Oliver presented the petition of sundry inhabitants of the county of Montgomery, praying to discontinue and establish a certain election precinct therein named, which was read and referred to the committee on privileges and elections.

The house resumed the consideration of Mr Hudson's motion to postpone to the first day of March next, the joint resolutions of the general assembly of the State of Alabama in relation to the act passed at the last session of congress, commonly denominated the force bill, which was carried. Yeas 38, nays 15.

The yeas and nays being desired, those who voted in the affirmative, are messrs Ambrester Beene Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Harkins Hall of A. Hall of B. Hallett Hill of H. and D. Hollis Hopkins Houston Hudson Johnson Jones of M. Jones of T. Lawson Massey Mason McDavid McRae Morrisett Musgrove Nabors Norwood Ormond Rains Rather Richardson Sanders of L. Stewart Sumners Taylor Walker and T. Williams.

Those who voted in the negative, are messrs Speaker Barron Bonham Fortson Gardner Gayle Horton Jackson Keener Lee Miree Oliver Pegues Porter Price Sanders of D. Simmons and Ware.

A message from the senate by Mr Conner: Mr Speaker—The senate concur in the amendments made by the house of representatives to the bill entitled an act to apportion the representatives of the several counties of this State, and to divide the State into senatorial districts according to the late census.

Mr Fleming from the military committee, to which was referred the petition of the officers of the 14th regiment of Alabama militia, reported a bill to be entitled an act more effectually to ensure a return of the strength of the militia of the State of Alabama, and to exempt certain persons from the performance of military duty, which was read the first time, and the rule being dispensed with, it was read the second time forthwith, and third time, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the senate by Mr Conner: Mr Speaker—The senate concur in the resolution of the house proposing to elect a judge of Macon county on this day at 3 o'clock..

Mr Harris made the following report; The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: An act for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county; an act to authorize the summoning of a jury for the fourth and fifth weeks of the circuit court of Mobile county, and for other purposes; an act to organize and continue in office certain officers in the thirteenth company of the fifteenth regiment of Alabama militia in Jefferson county; an act to compensate the commissioners of revenue and roads in the county of Fayette; an act to incorporate the Mobile and New Orleans steamboat navigation company; an act to incorporate the Montgomery railroad company; an act to authorize Harrel Hobdy, sheriff of Barbour county, to keep his office in the town of Louisville in said county; an act to permanently fix the seat of justice for the county of Tallapoosa; an act to revive the act incorporating the town of Bellefonte; an act to incorporate Athens lodge No. 16, of ancient free masons; an act to change the time of holding the commissioners courts of roads and revenue in the county of Washington; an act to provide for the appointment of commissioners in the county of Benton; an act for the relief of Nancy C Neely; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Jefferson to levy a special tax for building or repairing a jail in said county; an act for the relief of the assessor and tax collector of Monroe county; an act to authorize the building of a court house in Montgomery county; an act supplemental to an act entitled an act to amend an act to incorporate the town of Montgomery, approved January 5th, 1828; an act further to extend the time for the relief of Sterling E. Harrison; an act in relation to the town of Lowndesborough in the county of Lowndes; an act for the relief of the tax collector of Tallapoosa county; an act for the relief of the assessor and tax collector of Madison county; an act to change the time of holding the county courts of certain counties therein named; an act to adjust and settle the claims of William Jordan for services rendered the county of Washington.

The house then proceeded to the consideration of the order of the day.

The bill entitled an act to provide further for the appointment of patrols, was read the second time and referred to the military committee.

The bill to amend the charter of the Bank of the State of Alabama and its several branches, was read the second time and referred to the committee on the State bank.

The engrossed bill entitled an act requiring justices of the peace to give security was read the third time. Mr Stewart moved that the further consideration of the bill be postponed to the first day of March next, which was lost. Yeas 21, nays 39.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Armbruster Beene Brown of M. Carmack Creagh Hall of H. and D. Hollis Jackson Johnson Jones of T. Keene Lawson Massey McRae Musgrove Ormond Sanders of L. Simmons Stewart and Taylor.

Those who voted in the negative, are messrs Barron Bonham Brown of J. Carithers Chamberlain Davis Evans Fleming Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hopkins Horton Houston Hudson Jones of M. Lee Mason McDavid Miree Morrisett Nabors Norwood Oliver Porter Price Rains Rather Richardson Sanders of D. Sumners Walker Ware M. D. Williams and T. Williams.

Mr Rathe moved to amend it by way of engrossed ryder, by adding therean an additional section No. 5, which was adopted. Year 43, nays 19.

The yeas and nays being desired, those who voted in the affirmative, are messrs Armbruster Barron Bonham Brown of J. Carithers Chamberlain Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hopkins Horton Houston Hudson Jones of M. Jones of T. Lee Mason McDavid Miree Morrisett Nabors Norwood Oliver Porter Rains Rather Richardson Sanders of D. Sumners Walker Ware M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Speaker Beene Brown of M. Carmack Creagh Hill of H. and D. Hollis Jackson Johnson Keener Lawson Massey McRae Musgrove Ormond Sanders of L. Simmons Stewart and Taylor.

A mesage from the governor, by James I Thornton: Mr Speaker—I am requested by the governor, to inform your honorable body, that he did on the 10th instant, approve and sign an act, to establish the Moulton rail road company; an act to amend an act entitled an act, to incorporate the Tusculumbia, Courtland and Decatur rail road company and for other purposes; an act supplemental to an act entitled an act, to permanently locate the seat of justice in the county of Tallapoosa; and on the 11th, an act to authorize Mace T. P. Brindley, to turnpike a certain road therein named; joint resolutions abandoning the contract of Graves, Caruthers & Co. with the Tennessee canal commissioners; an act to incorporate the town of Decatur; an act making an appropriation for the payment of the members and officers of the present general assembly; an act to amend the different acts establishing a land office at Courtland; an act further to provide for the payment of grand and petit jurors in the counties of Shelby, St. Clair and Barbour, all of which originated in the house of representatives.

Engrossed bills of the following titles, to wit: an act to repeal in part, an act therein named; joint memorial of the legislature of the State of Alabama to the congress of the United States, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, to prevent injury to rail roads, was read the second time and ordered to be engrossed for a third reading.

The bill to compensate the several census takers, for their services for the year 1833, was ordered to lie on the table.

Bills from the senate of the following titles, to wit: an act to authorize the bank of the State of Alabama and its several branches to issue post notes; and an act to amend the charters of the branch of the bank of the State of Alabama at Mobile; and also, the bank of Mobile, were severally read the second time and referred to the committee on the State Bank.

Mr Beene, who voted in the majority to postpone to the first day of March next, the joint resolution of the general assembly of the State of Alabama, in relation to the act passed at the last session of congress, commonly denominated the force bill, moved to re-consider that vote, which was lost. Yeas 7, nays 49.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Beene Hallett Hill of H. and D. Hollis Horton Porter and Simmons.

Those who voted in the negative, are messrs Speaker Armbrester Barron Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Ellis Farrar Fortson Gardner Hall of A. Hall of B. Harris Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Rains Rather Richardson Sanders of L. Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

The engrossed bill entitled an act to amend an act, concerning attachments, approved 12th January, 1833, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act, prescribing the mode of appointing assessors and tax collectors, was read the second time. Mr Lawson moved that the further consideration of the bill be postponed until the first day of March next, which was lost. Yeas 21, nays 41.

The yeas and nays being desired, those who voted in the affirmative, are messrs Armbrester Barron Bonham Brown of J. Brown of M. Carithers Davis Ellis Farrar Hill of H. and D. Horton Jackson Lawson Massey McDavid Miree Nabors Sanders of L. Simmons Stewart and Taylor.

Those who voted in the negative, are messrs Speaker Beene Carmack Chamberlain Creagh Evans Fleming Fortson Gardner Harkins Hall of A. Hallett Harris Hollis Hopkins Houston Hudson Johnson Jones of M. Jones of T. Keener Lee Mason McRae Morrisett Musgrove Norwood Oliver Ormond Pegues Porter Price Rains Rather Richardson Sanders of D. Sumners Walker Ware M. D. Williams and T. Williams.

Mr Porter moved the previous question, which was sustained. The bill was ordered to be engrossed for a third reading.

The bill entitled an act, more fully to define the time of executing process issued by a justice of the peace in civil suits, was read the second time. Mr Carmack moved to amend the bill by way of proviso, which was lost. The bill was ordered to be engrossed for a third reading.

The joint resolutions on the subject of the tariff laws, was read the second time. Mr Bonham moved that the resolutions lie on the table, and that one hundred copies be printed, which was lost; they were ordered to be engrossed for a third reading.

A message from the senate by mr Conner: Mr Speaker—The senate have adopted the following resolution: *Resolved*, That with the concurrence of the house of representatives, the election of president and directors of the bank of the State of Alabama be deferred until to-morrow three o'clock, to enable the public printer to furnish both houses with a copy of the bank report. In which resolution the house concurred. Mr Jackson moved the following amendment: "and by deferring the election of the judges of the county courts for the counties of Macon and Butler, which was adopted. *Ordered*, that the clerk acquaint the senate therewith.

The house then adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.—The bill entitled an act more effectually to prevent trespasses on real estate, was read the second time. Mr Fleming moved that the bill be indefinitely postponed, which was lost. Yeas 17, nays 39.

The yeas and nays being desired those who voted in the affirmative are, messrs Fleming Fortson Hall of B. Hollis Hudson Keener Lee Musgrove Nabors Norwood Oliver Rather Sanders of D. Sanders of L. Stewart Sumners and Taylor

Those who voted in the negative are, messrs Speaker Ambrister Barron Bonham Brown of J. Brown of M. Carithers Carmack Creagh Davis Evans F. Gardner Harkins Hall of A. Hallett Harris Hill of H. and D. Hopkins Horton, Houston, Jackson, Johnson Jones of M. Jones of T. Lawson Mason McDavid McKae Miree Ormond Pegues Porter Price Rains Richardson Simmons Walker and M. D. Williams.

The bill was then ordered to be engrossed for a third reading.

The bill from the senate entitled an act to authorize the president of the senate and speaker of the house of representatives to issue certificates of election to the president and directors of the bank of the State of Alabama and the several branches thereof, was read the second time, and the rule being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill entitled an act more effectually to prevent any attempt to promote dissatisfaction among the black population of Alabama, was read the second time and referred to the judiciary committee.

The bill to alter the mode of assessing and collecting the taxes of this State, was ordered to lie on the table.

The bill entitled an act declaratory of the law concerning contempts of court, was read the second time, and the rule being dispensed with, it was considered as engrossed, read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to prevent directors of banks from acting as attorneys for banks, was read the second time. Mr Ellis moved that the bill lie on the table, which was lost; it was ordered to be engrossed for a third reading.

The bill entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile and also that of the bank of Mobile, was read the second time and referred to the committee on the State bank.

The bill from the senate entitled an act to amend the charters of the branches of the bank of the state of Alabama at Mobile, Decatur and Montgomery, was read the second time and referred to the committee on the State bank.

The bill entitled an act regulating the compensation of the attorney general and the several solicitors of this State, was read the second time and postponed to the first day of March next.

Bills of the following titles, to wit: Joint resolution proposing amendments to the constitution; an act to enlarge the powers of clerks of the county courts in taking the acknowledgement of deeds and relinquishment of dower; an act to prevent the sale of foreign lottery tickets; an act for the better regulation of roads; and an act more effectually to prevent trading with negro slaves, were severally read the second time and ordered to be engrossed for a third reading.

The engrossed bill entitled an act to repeal in part and amend the law relating to the apportionment of hands to work on public roads, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill entitled an act to fix the fees of county surveyors, was read the second time. Mr Hudson moved to amend the bill by striking out the word "fine" after the word "survey," to insert the word "form," which

was adopted. Mr Rather moved to strike out the word "two" to insert the word "one," which was lost; the bill was ordered to be engrossed for a third reading.

Joint resolutions against re-chartering the bank of the United States, was read the second time. Mr Porter moved that the resolutions lie on the table, which was lost. Yeas 29, nays 30.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Armbrister Barron Brown of M. Carithers Carmack Chamberlain Creagh Ellis Fleming Gardner Harkins Hallett Hopkins Jackson Jones of T. Massey Mason McDavid Miree Morrisett Ormond Porter Price Rather Sanders of D. Stewart and M. D. Williams.

Those who voted in the negative are messrs Beene Bonham Davis Evans Farrar Fortson Hall of A. Hall of B. Harris Hill of H. and D. Hollis Horton Houston Hudson Johnson Jones of M. Keener Lawson McRea Musgrove Nabors Oliver Richardson Sanders of L. Simmons Sumners Taylor Walker Ware and T. Williams.

The resolutions were then referred to the select committee heretofore raised on that subject. The bill from the senate, entitled an act to amend the road laws, was read the second time and ordered to a third reading.

The bill from the senate, entitled an act to provide a more summary mode of collecting money from clerks, was read the second and third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the senate therewith.

Joint resolutions in relation to the lands of the United States within the State of Alabama. Mr Porter moved that the resolution lie on the table, which was carried.

The bill entitled an act giving further time to persons holding claims against their respective counties to file the same; the question was to read the bill the third time and lost.

Joint resolutions on the subject of the public land, was read the second time and ordered to be engrossed for a third reading.

The bill entitled an act to change the time for convening the general assembly of the State of Alabama was read the second time. Mr Rather moved that the bill be indefinitely postponed, which was lost. Mr Hudson moved to strike out the word "third," to insert the word "first" Monday in November, which was lost. Mr Sanders of L. moved the previous question, which was sustained. Yeas 32, nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Armbrister Barron Beene Bonham Carithers Carmack Evans Farrar Fleming Fortson Gardner Harris Hill of H. and D. Hollis Horton Hudson Johnson Jones of T. Lawson Massey Mason McDavid McRae Musgrove Richardson Sanders of D. Sanders of L. Sumners Taylor Ware T. Williams.

Those who voted in the negative are messrs Brown of M. Chamberlain Creagh Davis Ellis Hallett Hill of A. Hallett Hopkins Houston Jackson Jones of M. Keener Lee Miree Morrisett Nabors Norwood Oliver Ormond Porter Rather Simmons Stewart Walker and M. D. Williams.

The question was then to read the bill a third time, and lost. Yeas 14, nays 42.

The yeas and nays being demanded, those who voted in the affirmative are messrs Beene Bonham Carithers Fortson Harris Hill of H. and D. Horton Hudson Jones of T. McRae Sanders of D. Sanders of L. Ware and Williams.

Those who voted in the negative are, messrs Speaker Armbrister Barron Brown of M. Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Gardner Hall of A. Hollis Hopkins Houston Jackson Johnson Jones of M. Keener Lawson Lee Massey Mason McDavid Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Rather Richardson Simmons Sumners Stewart Taylor Walker and M. D. Williams.

The bill from the senate entitled an act to amend the branches of the bank of the State of Alabama at Decatur and Montgomery, was read the second time and third time, and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the senate therewith.

Mr Hall of B. moved that the house adjourn till tomorrow at 10 o'clock, which was carried. Yeas 34, nays 24.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Armbrister Brown of M. Carithers Ellis Farrar Fleming Harkins Hall of B. Harris Hill of H. and D. Hopkins Johnson Jones of M. Jones of T. Keener Lawson Lee Massey

sey Mason Mcrae Musgrove Nabors Oliver Porter Rather Richardson Sanders of D. Sanders of L. Sumners Walker Ware M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Speaker Barron Beene Bonham Carmack chamberlain creagh Davis Fortson gardner Hall of A. Hallett Hollis Horton Hudson Jackson McDavid Miree Norwood Ormond Simmons Stewart and Taylor.

And then the house adjourned.

Tuesday, January 14, 1834.—A message from the senate by mr Conner: Mr Speaker: the senate have passed bills which originated in the house of representatives of the following titles, to wit: an act to divorce certain persons therein named; an act to divorce Ebenezer Whiting from his wife Lucy M. Whiting; an act better to regulate the Huntsville guards; an act to authorize William Wilson to emancipate certain slaves therein named; an act for the relief of William Hester, tax collector of Franklin county; an act for the relief of John Mangon; an act for the relief of Solomon Evans; an act to authorize Thomas Pugh, clerk of the circuit court, and James G. Coleman, clerk of the county court to keep their offices at the town of Louisville in the county of Barbour; and an act to ratify and confirm the acts of the commissioners of the 16th section, 6th range and township No. 7.

The senate have passed bills of the following titles, in which they ask the concurrence of the house; an act to form a company beat in the county of Marengo with a less number of privates than forty; an act to authorize the establishment of a ferry on Conecuh river in the county of Conecuh; an act to incorporate the Cahawba river bridge company; an act in relation to company fines; and a joint memorial of the general assembly of the State of Alabama to the congress of the United States, respectfully asking that the minimum price of the unsold lands within the limits of the State may be reduced.

Bills from the senate of the following titles, to wit: An act to form a company beat in the county of Marengo, with a less number of privates than forty; and an act to authorize the establishment of a ferry on the Conecuh river in the county of Conecuh, were severally read the first time, and the rule being dispensed with, they were read the second and third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act in relation to company fines, was read the first and second time forthwith and referred to the judiciary committee.

The bill from the senate entitled an act to incorporate the Cahawba river bridge company, was read the first and second time forthwith. Mr Beene moved to amend the first section by adding a proviso at the end thereof, which was adopted; the bill was ordered to a third reading. The memorial from the senate of the general assembly of the State of Alabama to the congress of the United States, respectfully asking that the minimum price of the unsold lands within the limits of this State may be reduced, being on its first reading, it was ordered that the clerk convey the same back to the senate to be put in parliamentary form.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit: An act to incorporate the town of Benton in the county of Lowndes; an act to incorporate the town of Louisville in Barbour county; an act prescribing the mode of removing obstructions to the navigation of Paint Rock river; an act to locate permanently the seat of justice for the county of Henry; an act to attach a part of the county of St. Clair to Jackson county; an act to revive, repeal in part and amend an act entitled an act to

incorporate the town of Erie, in the county of Greene, approved the 14th day of December, 1832.

Mr Hudson presented sundry accounts of the doorkeeper for stationary furnished, which was read and referred to the committee on accounts.

Mr Jackson from the committee on the State bank, to whom was referred the bill entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile and also that of the bank of Mobile, reported the following amendment by adding a proviso at the end of the second section, which was adopted, and the rule being dispensed with it was considered as engrossed, and read the third time and passed. Yeas 47, nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Armbrister Barron Benham Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Farrar Fleming Fortson Gardner Harkins Hall of A. Hallett Harris Hill of H. and D. Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Lawson Massey Mason McDavid McRae Miree Norwood Ormond Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker M. D. Williams and T. Williams.

Those who voted in the negative are messrs Beene Creagh Ellis Evans Gayle Hudson Musgrove Nabors and Oliver.

A message from the senate by Mr Conner: Mr Speaker—The senate have passed a joint resolution which originated in the house of representatives of the following titles, viz: Joint resolution authorizing and requiring the cashier of the branch of the bank of the State of Alabama at Mobile to check on the branches at Decatur and Montgomery for their proportions of the amount paid to George S. Gaines.

Mr Gayle presented the memorial of William Griffin, a revolutionary soldier, which was read and referred to a select committee; whereupon messrs Porter, Gayle and Bonham were appointed said committee.

Mr Hopkins made the following report: The special committee to which was referred the bill from the senate entitled an act to establish a branch of the bank of the State of Alabama at —, and the message from the senate of the 10th of January, 1834, on the same subject, have have had the same under consideration, and instructed me to report that the message aforesaid shews that the words “be and the same is hereby established” after the word “dollars” in the first section of the bill, was stricken out by the senate, and that the senate adopted in lieu thereof the following words: “Shall be established by joint vote of both houses of the general assembly.” The committee therefore recommend to the house to consider the latter words as a part of the first section of the bill in exclusion of the former, which were stricken out by the senate. The committee recommend also the following amendment to the first section of the bill: strike out of the first section the words “in the county of.” A division of the question being called for, the vote was first taken on the amendment made by the senate, and lost. Yeas 26, nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Armbrister Beene Brown of M. Chamberlain Evans Farrar Fleming Harris Hill of H. and D. Hopkins Houston Jones of M. Jones of T. Lawson Mason McDavid Norwood Ormond Rains Rather Sanders of D. Sanders of L. Stewart Walker M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Speaker Barron Bonham Brown of J. Carithers Carmack Creagh Davis Ellis Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hudson Jackson Johnson Keeener McRae Miree Morrisett Musgrove Nabors Oliver Pegues Porter Richardson Simmons Sumners and Taylor.

The amendment proposed by the committee being under consideration, Mr Hudson moved that the further consideration of the bill be postponed to the first day of March next.

Mr. Fleming moved a call of the house, when the following members appeared and answered to their names, to wit:

Messrs Speaker Ambrister Barron Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

The question recurred on Mr Hudson's motion and lost. Yeas 27, nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Barron Brown of J. Carithers Carmack Creagh Davis Ellis Farrar Fortson Gardner Harkins Hall of A. Hill of H. and D. Hudson Jackson Keener Lee Massey Morrisett Nabors Pegues Richardson Simmons Sumners Taylor and T. Williams.

Those who voted in the negative are, messrs Ambrister Beene Bonham Brown of M. Chamberlain Evans Fleming Gayle Hall of B. Hallett Harris Hopkins Horton Houston Johnson Jones of M. Jones of T. Lawson Mason McDavid McRae Mirce Musgrove Norwood Oliver Ormond Porter Rains Rather Sanders of D. Sanders of L. Stewart Walker and M. D. Williams.

The question was on the adoption of the amendment reported by the committee, and carried, Yeas 37, nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Ambrister Beene Brown of M. Chamberlain Ellis Evans Farrar Fleming Gayle Hall of B. Harris Hopkins Hudson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Mirce Musgrove Norwood Oliver Ormond Rather Richardson Sanders of D. Sanders of L. Simmons Walker M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Barron Bonham Brown of J. Carithers Carmack Creagh Davis Fortson Gardner Harkins Hall of A. Horton Hudson Jackson Nabors Pegues Porter Rains Stewart Sumners and Taylor.

Mr Hopkins moved the following amendment: "Shall be established by joint vote of both houses of the general assembly," which was adopted and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith, and the question being put: shall this bill pass? it was decided in the negative, there not being a constitutional majority voting in favor of its passage. Yeas 32, nays 27.

The yeas and nays being desired, those who voted in the affirmative are messrs Ambrister Beene Bonham Brown of M. Chamberlain Evans Fleming Gayle Hall of B. Hallett Harris Hopkins Horton Houston Johnson Jones of M. Jones of T. Lawson Mason McDavid McRae Mirce Musgrove Norwood Oliver Ormond Rather Sanders of D. Sanders of L. Taylor Walker and M. D. Williams.

Those who voted in the negative are, messrs Speaker Barron Brown of J. Carithers Carmack Creagh Davis Ellis Farrar Fortson Gardner Harkins Hall of A. Hudson Jackson Keener Lee Massey Morrisett Nabors Pegues Porter Rains Richardson Simmons Stewart and T. Williams.

A message from the senate by Mr Conner: Mr Speaker—The senate have passed a bill to be entitled an act to quiet the claim to certain property in the city of Mobile; and an act to change the time of convening the general assembly of the state of Alabama, in which they ask the concurrence of the house of representatives.

Mr Hopkins introduced a bill to be entitled an act the more effectually to secure the administration of justice in criminal cases, which was read the first and second time forthwith and referred to a select committee; whereupon, messrs Ellis, Jackson and Porter were appointed said committee.

And then the house adjourned to 3 o'clock this evening.

Evening Session, 3 o'clock.—Mr McRae introduced a joint memorial to the Congress of the United States, which was read the first time, and the rule being dispensed with, it was read the second time and third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the senate by Mr Conner: Mr Speaker—The senate concur in the amendment made by the house of representatives to the resolution of yesterday proposing to defer until this day the election of a president and twelve directors of the bank of the state of Alabama.

Mr McRae made the following report: The committee on enrolled bills

have examined and find correctly enrolled, an act to amend an act incorporating the town of Huntsville, passed January 9th, 1828; an act to form a company beat of militia of a less number of privates than forty men in the county of Tuscaloosa; an act to provide a fund for compensating the grand and petit jurors of the county of Marion; an act to divorce certain persons therein named; an act for the relief Henry Stovall; an act for the relief of Perseverance fire engine No. 1, of the city of Mobile; an act making it the duty of the sheriff, coroner or other officers holding the elections of the different counties in this state to take the sense of the people in relation to the expediency of establishing a penitentiary; an act making it the duty of the commissioners of roads and revenue of certain counties therein named to select one quarter section of land for the use of said counties; an act permanently to locate the seat of justice in Franklin county, and for other purposes.

Mr Hudson from the committee on ways and means, to which was referred a resolution instructing them to inquire into the expediency of so altering or amending the law as to ensure the assessment and collection of taxes from those counties that have failed to assess and collect agreeably to law, reported a bill to be entitled an act authorizing and requiring the assessor and tax collector of the county of Baldwin for the year 1834, to assess and collect the taxes that were due from said county for the year 1833 and for other purposes, which was read the first and second time forthwith. Mr Hall of B. moved to refer the bill to a select committee.

On motion of Mr Hudson, *Resolved*, that the senate be invited to assemble in the representative hall for the purpose of electing a president and twelve directors of the bank of the state of Alabama, and judges of the county courts for the counties of Butler and Marion. *Ordered*, that the clerk acquaint the senate therewith.

The senate having repaired to the hall of the house of representatives, the two houses proceeded to the election of a president of the bank of the State of Alabama, John L. Tindall alone being in nomination.

Those who voted for Mr Tindall are, messrs President Anderson Ash Barclay Brown Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Walthall of the senate.—Messrs Speaker Armbruster Barron Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Harris Hill of H. and D. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McKee Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Summers Taylor Walker M. D. Williams and T. Williams.

John L. Tindall having received all the votes given, was declared by Mr Speaker duly elected president of the bank of the state of Alabama.

The two houses then proceeded to the election of twelve directors of the bank of the State of Alabama.

Messrs. Charles Lewin, Saml. B. Ewing, James Hogan, Wm. G. Parish, John Owen, Z. B. Snow, H. M. Andrews, Thomas R. Boling, Dennis Dent, Major Cook, Geo. N. Stewart, John O. Cummins, Wm. Siminton, Alexander McCown, Peter Donaldson, Joseph Lacy, Richard T. Brumby, Saml. M. Meek, Wm. P. Brown, Orville Eastland, Jabez Mitchell, Geo. L. Medlock, and B. F. Randolph being in nomination.

Those who voted for Mr Lewin are messrs Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill, Irwin Lane Lyon McVay Morton Phillips Vining and Walthall of the senate.

Messrs Speaker, Armbruster Barron Beene Bonham Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Davis, Ellis, Evans, Farrar, Fleming, Fortson, Gayle, Harkins Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hollis, Horton, Houston, Hudson, Johnson, Jones of M. Jones of T. Keener Lawson, Lee, Massey, McDavid McKee, Miree, Musgrove, Nabors, Norwood Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Summers Taylor Walker M. D. Williams and T. Williams, 71.

Those who voted for mr Ewing are messrs Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Walthall, of the senate.

Messrs Speaker Ambrister Barron Beene Brown of M. Carithers Carmack Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hollis Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett, Musgrove Nabors Norwood Oliver Pegues, Porter, Rains, Rather, Richardson, Sanders of D. Sanders of L. Simmons Stewart Sumners Walker M. D. Williams and T. Williams, 73.

Those who voted for mr Hogan are messrs President Anderson Ash Barclay Brown Chapman Guild Hill Hogan Lane Phillips Pickett Vining Walthall and Wilkinson of the senate.—messrs Armbrister Beene Brown of J. Carithers Creagh Davis Ellis Evans Fortson Hall of A. Hill of H. and D. Hopkins Horton Houston Jackson Jones of M. Jones of T. Lawson Massey McDavid McRae Morrisett Nabors Norwood Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners M. D. Williams and T. Williams, 43.

Those who voted for Mr Parish, are messrs President Anderson Barclay Brown Chapman Coopwood Guild Hogan Lyon McVay Pickett Vining and Wilkinson of the senate.—Messrs Armbrister Beene Brown of J. Brown of M. Carithers Creagh Davis Ellis Evans Farrar Fleming Gayle Hall of A. Hallett Hill of H. and D. Hopkins Houston Jackson Johnson Jones of M. Jones of T. Mason McDavid Morrisett Musgrove Nabors Norwood Ormond Oliver Rains Rather Richardson Sanders of L. Taylor Walker M. D. Williams and T. Williams, 50.

Those who voted for mr Owen are messrs President Anderson Ash Barclay Chapman Coopwood Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson of the senate.—Messrs Speaker Barron Beene Brown of J. Brown of M. Carithers Chamberlain Creagh Davis Ellis Farrar Fortson Gayle Hall of B. Hallett Hill of H. and D. Hollis Horton Houston Hudson Johnson Keener Lawson Lee Massey McRae Miree Morrisett Musgrove Porter Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Taylor M. D. Williams and T. Williams, 57.

Those who voted for mr Snow are messrs President Anderson Ashe Barclay Brown Chapman Guild Hill Irwin Lane Lyon Pickett and Wilkinson of the senate.—Messrs Brown of J. Carmack Creagh Davis Fortson Harkin Hall of B. Hollis Hopkins Hudson Johnson Jones of T. Massey Mason McDavid McDavid Morrisett Musgrove Rather Richardson Sanders of D. and Sumners, 34.

Those who voted for mr Andrews are, messrs President Anderson Ashe Barclay Brown Guild Hemphill Hill Hogan Irwin Lyon McVay Morton Philips and Walthall of the senate.—Messrs Armbrister Bonham Brown of M. Carithers Carmack Chamberlain Creagh Ellis Evans Fleming Harkins Hallett Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McDavid McRae Musgrove Norwood Oliver Ormond Pegues Porter Rains Richardson Sanders of D. Sanders of L. Sumners and Taylor, 52.

Those who voted for Mr Böling are, messrs President Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining and Walthall of the senate.—Messrs Speaker Armbrister Barron Beene Bonham Brown of J. Carithers Carmack Chamberlain Creagh Davis Evans Fleming Gayle Harkins Hall of B. Hallett Harris Hill of H. & D. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond, Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons, Walker and T. Williams 69.

Those who voted for mr Dent are messrs President Anderson Ashe Lane McVay Pickett and Wilkinson of the senate.—Messrs Barron Brown of M. Carmack Creagh Davis Fortson Harkins Hall of A. Harris Jackson Johnson Massey Miree Nabors Norwood Rather Richardson Simmons Stewart, Sumners, and Taylor, 30.

Those who voted for Mr Cook are, messrs President Ashe Barclay Brown Coopwood Guild Hemphill Hill Hogan Irwin Lyon McVay Morton Pickett Walthall and Wilkinson of the senate.—Messrs Speaker Armbrister Barron Beene Bonham Brown of J. Brown of M. Carithers Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hill of H. and D. Hollis Hopkins Horton Houston Hudson Johnson Jones of T. Lee Massey McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Rains Richardson Sumners Taylor M. D. Williams and T. Williams, 61.

Those who voted for mr Stewart are, messrs President Barclay Chapman Hill Hogan Lane Lyon Phillips Vining Walthall and Wilkison of the senate.—Messrs Speaker Beene

Carmack Chamberlain Creagh Davis Hallett Harris Hopkins Jackson Mason Morrisett Ormond Porter Rains Richardson Sanders of D. and Stewart, 29.

Those who voted for Mr Cummins are, messrs President Anderson Ash Brown Guild Hemphill Hill Irwin Lyon Morton and Wilkinson, of the senate.—Messrs Barron Beene Bonham Brown of J. Brown of M. Carmack Davis Ellis Fortson Gayle Harkins Hall of A. Hall of B. Hall of H. D. Hollis Hopkins Houston Hudson Jackson Jones of T. Keener Massey McDavid McKee Morrisett Nabors Norwood Ormond Rains Rather Sanders of D. Simmons Stewart Sumner Taylor M. D. Williams and T. Williams, 59.

Those who voted for Mr Siminton are, messrs Ash Coopwood Guild Hemphill McVay Morton and Phillips, of the senate.—Messrs Armbrister Barron Bonham Brown of M. Carmack Chamberlain Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hollis Horton Hudson Jackson Jones of M. Jones of T. Lawson Lee Massey McKee Morrisett Nabors Oliver Ormond Porter Rather Simmons Stewart Sumners Taylor Walker M. D. Williams and T. Williams, 49.

Those who voted for Mr Cown are, Messrs Anderson Brown Hemphill Irwin Morton Pickett and Walker, of the senate.—Messrs Bonham Chamberlain Farrar Gayle Harkins Hall of A. Hudson Jackson Jones of T. McKee Nabors Oliver Ormond Pegues Sanders of D. Stewart and M. D. Williams, 24.

Those who voted for Donaldson are, Messrs Barclay Brown Hogan McVay Phillips Pickett and Vining, of the senate.—Messrs Armbrister Brown of J. Carithers Chamberlain Ellis Farrar Fleming Hall of A. Hallett Johnson Jones of M. Jones of T. McDavid McKee Musgrove Norwood Walker M. D. Williams and T. Williams, 25.

Those who voted for Mr Lacy are, messrs Ashe Brown Coopwood Hemphill Hill McVay and Vining, of the senate.—Messrs Armbrister Speaker Barron Bonham Brown of J. Carithers Carmack Ellis Farrar Fortson Harkins Harris Hollis Horton Houston Johnson Jones of M. Lawson Mason Miree Morrisett Musgrove Nabors Oliver Pegues Simmons Stewart Sumners Taylor Walker and T. Williams, 33.

Those who voted for Mr Brumbs are, messrs Anderson Chapman Coopwood Hemphill Irwin Lane Lyon Morton Phillips Valthall and Wilkinson, of the senate.—Messrs Speaker Barron Beene Bonham Brown of M. Evans Fleming Gayle Hall of B. Harris Hollis Hopkins Horton Houston Jackson Keener Lawson Lee Mason Miree Oliver Ormond Pegues Porter Rains Rather Sanders of L. Sanders of L. Simmons Stewart Taylor Walker and M. D. Williams, 44.

Those who voted for Mr Meek are messrs Barclay Coopwood and Wilkinson, of the senate. Messrs Speaker Miree and Sanders of L. 6.

Those who voted for Mr Brown are, messrs Coopwood Hemphill Morton Phillips and Pickett, of the senate.—Messrs Speaker Armbrister Brown of J. Carithers Evans Farrar Fleming Hall of A. Hall of B. Harris Hill of H. and D. Hollis Hopkins Horton Keener Lawson Lee Massey Mason McDavid Oliver Ormond Pegues Porter T. Rains and Walker, 39.

Those who voted for Mr Eastland are, messrs Chapman Irwin Lane Morton and Vining, of the senate.—Messrs Speaker Barron Beene Bonham Gayle Harris Hill of H. and D. Hollis Johnson Keener Lee Miree Oliver Pegues Porter Rains Sanders of L. and Simmons, 23.

Those who voted for Mr Mitchell are, messrs President Chapman Hogan Lane McVay Morton and Vining, of the senate.—Messrs Armbrister Bonham Brown of M. Carmack Chamberlain Farrar Fleming Fortson Hall of B. Hallett Harris Hopkins Hudson Jones of M. Jones of T. Keener Mason McDavid Musgrove Norwood Oliver Ormond Pegues Sanders of L. Sumners Taylor and Walker, 34.

Those who voted for Mr Medlock are, messrs Chapman Guild Hemphill Hill Hogan Irwin Lane Morton Phillips Pickett Vining Valthall and Wilkinson of the senate.—Messrs Speaker Barron Beene Bonham Brown of J. Brown of J. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Hill of H. and D. Hollis Horton Houston Hudson Jackson Jones of M. Keener Lawson Lee Mason McKee Miree Morrisett Musgrove Nabors Norwood Ormond Pegues Porter Rains Rather Sanders of D. Sanders of L. Simmons Sumners Walker and T. Williams, 62.

Those who voted for Mr Randolph are, messrs President Chapman Hogan Lyon Valthall and Wilkinson of the senate.—Messrs Chamberlain Creagh Evans Hallett Hopkins Horton Jackson Jones of M. Lawson Mason Porter Stewart and Walker, 20.

Messrs Charles Lewin, Samuel B. Ewing, James Hogan, Wm. G. Parish, John Owen, H. M. Andrews, Thomas R. Boling, Major Cook, John O. Cummins, Wm. Siminton, Richard T. Brumby and George Medlock, having received a majority of the votes given, Mr Speaker therefore declared them duly and constitutionally elected directors of the bank of the State of Alabama.

The two houses then proceeded to the election of a judge of the county court for Butler county, Daniel Gafford alone being in nomination.

Those who voted for Mr Gafford are, messrs President Anderson Ashe Barclay Brown Hemphill Hill Hogan Irwin Lane McVay Phillips and Valthall of the senate.—Messrs Speaker Armbrister Barron Brown of J. Carithers Carmack Chamberlain Davis Ellis Evans Farrar Fortson Hall of B. Harris Hollis Horton Houston Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Miree Musgrove Nabors Norwood Oliver Rains Richardson Sanders of D. Sanders of L. Simmons Stewarts Sumners Walker and M. D. Williams.

Mr Daniel Gafford having received all the votes given, Mr Speaker therefore declared him duly elected judge of the county court for Butler county.

The two houses then proceeded to the election of a judge of the coun-

ty court for Macon county, Joseph P. Clough alone being in nomination.

Those who voted for Mr Clough are, messrs President Ash Barclay Brown Hemphill Hill Hogan Irwin Lane Lyon McVay Philips and Walthal, of the senate.—messrs Speaker Ambrister Brown of J. Carithers Carmack Chamberlain Davis Ellis Evans Farrar Fortson Hall of B. Harris Hill of H. and D. Hollis Horton Houston Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Walker and M. D. Williams.

Mr Joseph P. Clough having received all the votes given, Mr Speaker, therefore, declared him duly elected judge of the county court for the county of Macon.

The senate then withdrew and the house adjourned till to-morrow at 10 o'clock.

Wednesday, January 15, 1834.—A message from the senate by Mr Conner, their secretary: Mr Speaker—The senate have passed bills from the house of representatives of the following titles, viz: an act to authorize judges of the county courts to emancipate slaves; an act to change the time of holding the several courts of the second judicial circuit; an act to incorporate the Tusculumbia rail road insurance company; an act providing additional compensation for the judge of the county court of Baldwin county; an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and also that of the bank of Mobile; an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka; an act to authorize and require the president and directors of the bank of the State of Alabama to pay off the certificates of State stock, issued in conformity to a law of 1823; an act to incorporate the town of Wetumpka; an act to incorporate the town of Wetumpka. The last four of which they have amended as will appear in the several bills and captions herewith shown. The senate have passed joint resolutions, authorizing the commissioners of the State capital, to procure furniture for the senate and house of representatives and for other purposes. They have also passed a bill to be entitled an act, more effectually to secure the collection of rents in the city of Mobile. In which the concurrence of the house is asked.

The bill from the senate to quiet the claim to certain property in the city of Mobile, was read the first time and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, the bill was read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Ordered, that the house disagree to the amendment made by the senate to the bill to be entitled an act, to authorize and require the president and directors of the bank of the State of Alabama to pay off the certificates of State stock, issued in conformity of a law of 1823. *Ordered*, that the clerk acquaint the senate therewith. *Ordered*, that the house concur in the amendment made by the senate to the bill entitled an act, to incorporate the town of Wetumpka. *Ordered*, that the clerk acquaint the senate therewith. *Ordered*, that the house concur in the amendment made by the senate to the bill entitled an act, to incorporate the town of Wetumpka. *Ordered*, that the clerk acquaint the senate therewith. *Ordered*, that the house concur in the amendment made by the bill entitled an act, to incorporate a company to build a toll bridge across the Coosa river at Wetumpka. *Ordered*, that the clerk acquaint the senate therewith. The bill from the senate to be entitled an act, more effectually to secure the collection of rents in the city of Mobile, was read the first time and ordered to a second reading. The joint resolution from the senate authorizing the commissioners of the State capital, to procure additional furniture for the

senate and house of representatives and for other purposes, was read the first time and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read a second time forthwith. Mr Sanders of D. moved to amend the resolution by adding as follows: "also desks for the president of the senate and speaker of the house of representatives and secretary of the senate." Mr Hopkins then moved the following amendment, viz: "and a bar within said room," which amendments were adopted. The rule further dispensed with and the resolution considered as engrossed, read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Mr Musgrove from the select committee, to whom was referred a bill to be entitled an act, to reduce the number of days that hands shall be subject to work on public roads in the county of Blount and for other purposes; reported that they have had the same under consideration, and have amended the same by way of proviso, to come in after the word "year," at the end of the first section of said bill, and recommend its passage. Mr Rather moved to lay the bill and amendment on the table, which was lost. Yeas 21, nays 32.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Bonham Carithers Creagh Davis Gardner Harkins Harris Houston Hudson Jackson Jones of T. Keener Lee Massey Miree Nabors Ormond Rather Richardson Sanders of D. and T. Williams.

Those who voted in the negative, are messrs Speaker Ambrester Barron Beene Brown of M. Carmack Chamberlain Ellis Evans Farrar Fleming Fortson Gayle Hall Hopkins Horton Jones of M. Lawson Mason McDavid Musgrove Norwood Oliver Porter Sanders of L. Simmons Stewart Sumners Taylor Walker Webster and M. D. Williams.

The bill was ordered to be engrossed for a third reading.

Mr Ellis from the select committee, to whom was referred a bill to be entitled an act, the more effectually to secure the administration of justice in criminal cases, reported that they have had the same under consideration and have instructed me to report the same back, with the following amendments: strike out the word "fifteen," in the fourteenth line of the first section and insert in lieu thereof, the words "twenty five," and it will read "to a time not less than twenty-five nor more than forty days," which report was concurred in and the bill read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill from the senate to be entitled an act, to change the time of convening the general assembly of the State of Alabama, was read the first time and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Simmons moved to strike out the words "first Monday in December," to insert "first Monday in November." Mr Porter moved to lay the bill upon the table. Mr Fleming moved that the bill be indefinitely postponed. Mr Lawson moved a call of the house, which was lost. The question then re-curred on Mr Fleming's motion and carried. Yeas 31, nays 25.

The yeas and nays being desired, those who voted in the affirmative, are messrs Ambrester Brown of M. Chamberlain Creagh Davis Evans Farrar Fleming Fortson Gardner Harkins Hallett Hollis Hopkins Jackson Johnson Jones of M. Massey Mason McDavid Musgrove Nabors Ormond Porter Rains Richardson Sanders of D. Sumners Taylor Webster and T. Williams.

Those who voted in the negative, are messrs Speaker Barron Beene Bonham Carithers Carmack Gayle Hall of B. Hill of H. and D. Horton Houston Hudson Jones of T. Keener Lawson McRae Miree Norwood Oliver Rather Sanders of L. Simmons Stewart Walker and M. D. Williams.

Mr Carithers made the following report: The committee on enrolled

bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to organize the militia of certain counties therein named; an act for the relief of William Hester, tax collector of Franklin county; an act better to regulate the Huntsville guards; an act divorcing Ebenezer Whiting from his wife Lucy M. Whiting; an act for the relief of John Mangon; an act for the relief of Solomon Evans; an act to authorize Thomas Pugh, clerk of the circuit court, and James Coleman, clerk of the county court, to keep their offices at the town of Louisville, in the county of Barbour; an act to incorporate the trustees of the Centreville academy, in the county of Bibb. Joint resolution authorizing and requiring the cashier of the branch of the bank of the State of Alabama at Mobile, to check on the branches at Decatur and Montgomery for their proportion of the amount paid George S. Gaines, Esq.

Mr Houston made the following report: The committee on enrolled bills have examined and find correctly enrolled, the following bills, viz: an act authorizing Peyton Bibb, to erect a wharf on the Alabama river; an act to establish a road therein named; an act to authorize William Wilson, to emancipate a certain slave therein named; an act to ratify and confirm the acts of the commissioners of the sixteenth section, sixth range, township seven; also, an act to regulate the payment of petit jurors in the county of Baldwin.

A message was received from the governor by James I. Thornton, secretary of State:

EXECUTIVE DEPARTMENT, Tuscaloosa, January 15, 1834.

I have to inform the general assembly that the honorable John H. Jones has resigned his office of judge of the county court of Pike county, and that the same is now vacant. Signed, JOHN GAYLE.

Mr Houston made the following report: The committee on propositions and grievances, to whom was referred the petition of Henry Blancet, praying that he may be allowed to retail spiritous liquors without license, have had the same under consideration, and have instructed me to report it inexpedient to grant the same. In which report the house concurred.

Mr Houston made the following report: The committee on propositions and grievances, to which was referred the petition of James P. Paston, praying that he may be allowed to practice medicine and collect the same by law, without standing an examination before the medical board, have had the same under consideration and have instructed me to report that it is inexpedient to legislate on the subject, which was concurred in.

Mr Fleming made the following report: The military committee, to whom was referred a bill to be entitled an act, to provide further for the appointment of patrols, have had the same under consideration, and have directed me to report the same inexpedient. Your committee ask leave to be discharged from the further consideration of the same, which was granted.

Mr Jackson made the following report: The committee on the State Bank, to whom was referred a bill from the senate entitled an act, to amend the charter of the branch of the bank of the State of Alabama at Mobile, and also, the bank of Mobile, have had the same under consideration and have instructed me to report said bill to the house, and recommend it to be laid on the table; there being a bill which originated in this house, that in the opinion of the committee, has better provisions on the object intended to be effected by said bill. In which report the house concurred.

Mr Porter from the select committee, to whom was referred the petition of William Griffin, have considered the same and beg leave to report that by the liberal conduct of the individual members of the house, the further action of the assembly is unnecessary, which report was laid on the table.

Mr Carithers moved the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill of the following title, to wit: an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and also that of the bank of Mobile.

On motion of mr Evans, it was *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall, this day at 3 o'clock, for the purpose of going into an election for a judge of the county court for Pike county. *Ordered*, that the clerk acquaint the senate therewith.

Message from the senate by mr Conner: Mr Speaker—The senate have passed a bill entitled an act, for the payment of Levi W. Lawler, for certain services therein named. In which the concurrence of the house is asked.

The bill from the senate entitled an act, to provide for the payment of Levi W. Lawler, for certain services therein named, was read and ordered to be laid on the table.

Mr Jackson introduced a joint resolution, relating to the books of the trustees of the University, which was read the first time and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was considered as engrossed and read a third time forthwith and passed. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Keener introduced a bill to be entitled an act to provide for the payment of certain expenses therein mentioned, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr Hudson moved to amend the bill by striking out the words "of the honorable," which was carried; and the rule being further dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Gayle introduced a bill to be entitled an act to authorize William Johnson to erect a saw and grist mill on the Cahawba river, which was read the first time and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The house then proceeded to the consideration of the orders of the day.

The bill from the senate to be entitled an act, to provide for the printing and distribution of the laws and journals of this State, was read a second time and ordered to a third reading.

Joint memorial from the senate to the congress of the United States, was read the second time, and the constitutional rule requiring bills and joint memorials, &c. to be read on three several days being dispensed with, it was taken for engrossed, read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act, to fix the salary of the several bank officers, was read a second time and referred to the committee on the State Bank, to consider and report thereon.

The bill to be entitled an act, to regulate the mode of computing interest in certain cases, was read a second time and ordered to be engrossed for a third reading.

Joint memorial to the congress of the United States, asking an appropriation of \$20,000 out of the two per cent fund, was read the second time

and the rule requiring bills, joint resolutions, &c. to be read on three several days being dispensed with, it was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the same be sent to the senate for their concurrence.

The bill to be entitled an act, to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census, was read and ordered to be laid on the table.

Engrossed bill from the senate entitled an act, to prevent the introduction and sale of lottery tickets in this State, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

Mr Hall of A. obtained leave of absence for the remainder of the session.

The bill to be entitled an act, to prevent the president and directors of the branch of the bank of the State of Alabama at Mobile, from discounting more than \$5,000 for themselves, and to prohibit them from endorsing or becoming security for each other or any other person or persons of said branch bank, was read a second time. Mr Jackson moved to lay the bill on the table, which was lost. Yeas 24, nays 28.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Bonham Brown of M. Gardner Hall of B. Hollis Hopkins Horton Houston Jackson Jones et T. Lawson Lee Massey McDavid Nabers Oliver Rather Richardson Sanders of D. Simmons Stewart Walker Webster and T. Williams.

Those who voted in the negative, are messrs Armbruster Barron Beene Carithers Carmack Chamberlain Creagh Davis Ellis Evans Fleming Fortson Gayle Hill of H. and D. Hollis Hudson Johnson Keener Mason McRae Miree Morrisett Musgrove Norwood Ormond Sanders of L. Sumlers Taylor and M. D. Williams.

The bill was then ordered to be engrossed for a third reading.

The bill to be entitled an act, to prevent the imprisonment of females, was read a second time and ordered to be engrossed for a third reading.

The bill to be entitled an act, concerning witnesses in civil suits, was read a second time and referred to the judiciary committee, to consider and report thereon.

Engrossed bill from the senate to be entitled an act, to amend the charters of the several branch banks in this State, was read the second time and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

The bill to be entitled an act, to provide for the commissioners of roads and revenue in this State, was read the second time and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act, for the punishment of certain offences committed upon the Territory ceded by the Creek Indians to the United States of America, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Joint memorial from the senate of the general assembly of the State of Alabama to the congress of the United States, was read the second time and the constitutional rule requiring bills, &c. to be read on three several days being dispensed with, it was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Engrossed bill entitled an act to amend an act, to exempt certain property from execution, approved January 12, 1833, being on its third reading, and the question being put, shall this bill pass? It was decided in the affirmative. Yeas 36, nays 23.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Bonham Carmack Creagh Davis Ellis Evans Farrar Fleming Fortson Gardner Harkins Hill of H. and D. Hopkins Houston Hudson Jackson Johnson Lee

Massey Mason McRae Mirce Morrisett Musgrove Nabors Oliver Ormond Rains Rather Richardson Simmons Sumners Walker M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Armbrester Barron Be ne Brown of J. Brown of M. Carithers Chamberlain Collier Gayle Hallett Hollis Horton Jones of T. Keener Lawson McDavid Norwood Porter Sanders of D. Sanders of L. Stewart Taylor and Webster.

So the bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill to be entitled an act, for the temporary relief of certain persons indebted to the bank of the State of Alabama, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Joint memorial to the congress of the United States, requesting the right of a grant of land for each township wherein the 16th sections have proved valueless, was read and referred to a select committee, consisting of messrs Creagh, Webster and M. D. Williams.

Engrossed bill to be entitled an act, in relation to the duties of the treasurer of the State of Alabama, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Message from the senate by mr Conner: Mr Speaker—The senate have passed a bill from the house of representatives of the following title: an act for the relief of the purchasers of the University lands, and have amended the same as therein shown. In which they ask the concurrence of the house of representatives. The senate concur in the resolution of the house to elect a judge of the county court of Pike on this day, which was laid on the table.

Engrossed bill entitled an act, making appropriations for the payment of certain claims against the State of Alabama, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Joint resolution from the senate, proposing amendments to the constitution of this State, so as to authorize the election of judges of the county courts by the qualified electors of each county, was read. Mr Fleming moved that said resolution be indefinitely postponed, which was lost. Yeas 15, nays 43.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Brown of M. Carmack Collier Davis Fleming Harkins Hopkins Hudson Jackson McRae Nabors Rains Sanders of L. and Sumners.

Those who voted in the negative, are messrs Armbrester Barron Beene Bonham Brown of J. Carithers Chamberlain Creagh Ellis Evans Farrar Fortson Gardner Hallett Harris Hill of H and D. Hollis Horton Houston Johnson Jones of T. Keener Lawson Lee Massey Mason McDavid Mirce Musgrove Norwood Oliver Ormond Porter Rather Richardson Sanders of D. Simmons Stewart Taylor Walker Webster M. D. Williams and T. Williams.

The resolution was then ordered to a second reading.

Mr Jackson from the joint committee appointed by the two houses of general assembly to inquire into the expenditures made by the board of trustees of the University of the State in building and other improvements, to inquire on what authority the board have borrowed from the State of Alabama the sum of sixty thousand dollars, or any other amount, and expended the same; and also to inquire into the cause of large sums of money paid to said board or their treasurer, remaining to the credit of the persons who had collected and paid in the same, without being applied to the credit of the different persons of whom the several sums were collected, and to make any other and further inquiries they might think proper, have instructed me to report:

That they have, so far as the limited time allowed them would permit, examined the books, papers and documents relating to the affairs of the University from the time of its establishment to the present date. Your committee have discovered with deep regret that the books and accounts relating to the affairs of the University, have been kept in such manner as to place the affairs of that interesting and important institution in a most perplexed and confused situation. No system or method has been observed in keeping the accounts of the University; nor can your committee discover from any books or papers submitted to their inspection, any means by which to test or ascertain with a reasonable degree of certainty the true situation of the accounts of the various persons who have incurred responsibilities to the institution. They find on file, various reports made by the agent of the trustees, containing accounts of the sales of the University lands made by him, showing to whom sold, for what amount, &c; but in some instances these reports have not been recorded, nor have accounts been regularly opened with all the purchasers of University lands, so as to show whether the purchase money has been paid or not. Bonds for debts due to the institution have, as appears by some of the documents examined by your committee, been placed out for collection without any evidence being retained showing the liability of the person who received them. A report made by a committee of the board of trustees during the last summer, and prepared with great labor, shows the fact, that 25,093 33-100 of University money stands upon the books of the institution, to the credit of certain persons who had collected and paid over the same, without showing of whom or from what particular source this sum was derived.

If the books and accounts of the institution are in such a condition as to render it impossible to ascertain from whom and on what particular account this amount was received, it would be difficult to ascertain from them, whether all the persons who have contracted business with and for the institution have accounted faithfully or not. Your committee beg leave to submit, herewith, a copy of the report of a committee of the trustees, showing the situation of the accounts and books relating to the business of the University.

The act establishing the University provides that the capital stock arising from the sale of the University lands shall not be reduced in any manner whatever. A sum not exceeding \$50,000 dollars in the discretion of the trustees, of the moneys which might be received from the first payment of the land sold, was appropriated and set apart by law for the erection of the necessary buildings of the University; and the interest arising from the last payment to be made upon lands sold was set apart and to be vested as the same might be received, in stock of the United States, to be applied exclusively to sinking the amount of money appropriated to the erection of the buildings, until the amount invested should be equal to the amount expended; after which, the same was considered as capital stock, and was never thereafter to be diminished.

It will be seen by the statement herewith produced marked [A.] that the sum of \$105,920 87, has been expended by the trustees in erecting the University buildings and improving the college grounds.

The disbursements from the University fund from the incorporation of the board of trustees, to the 9th inst. amount to the sum of

\$178,185 00

Interest on loans effected by the board from the State bank

7,772 75

185,957 75

Whole amount of interest received from lands sold,

26,509 82

Received for rent

1,021 27

Dividends received on stock vested in bank

53,171 54

Principal appropriated by law for the erection of the buildings

50,000 00

Interest received by, and now in the hands of the agent of the trustees

8,945 51

153,098 27

Amount expended over and above the amount appropriated and the entire income fund of the University

26,860 91

It will thus be seen that the amount of disbursements on account of the University, exceeds the appropriation made by the Legislature, and the entire income fund of the institution to the amount of \$26,860 91. Your committee are not apprised of any law which authorizes the board of trustees to exceed the amount appropriated in their expenditures, and they are equally uninformed as to any law which authorized them to effect a loan from the bank of the State of Alabama. They cannot but regard the course pursued by the board of trustees in the amount expended by them, and in resorting to a loan from the bank as an indirect diminution of the capital stock of the institution and a violation of the law adopted for their government.

By the estimate made in the annual report of the board of trustees, the income funds of the present year will fall short of the necessary expenses of the institution the sum of

1,357 76

The annual number of students entered fall short of the estimate contained in the report three, amounting to the further sum of

120 0

Interest on the debt of \$64,560 due the bank

3,871 00

Making a deficiency for the present year of

\$5,343 26

By which it appears that the expenses of the institution exceed its income by that amount.

The interest of the institution and the correct management of the liberal fund derived from the lands granted to this State for its endowment, require that something should be done to rescue from confusion and uncertainty, as far as practicable, the accounts and books of the University. To this end, your committee would recommend the passage of a joint resolution appointing the comptroller, with authority to associate with him some skillful accountant and book keeper, to examine and investigate all the accounts and reports of the sales of University lands; to ascertain to whom each particular tract was sold, for what price, the amount received thereon including principal, interest, &c. and to examine into all the disbursements made by the board of trustees, on what account, &c. and to open and bring up a regular set of books, showing the full and correct situation of the accounts of all persons who have had dealings with the institution or any of its agents, and to cause said book to be delivered to the trustees at its next meeting.

Your committee would further recommend the passage of a joint resolution, requiring the agent of the board of trustees to make a report of his proceedings and transactions to the president of the board regularly, showing the amount received by him, from whom, on what account, &c. and to deposit the amount which may be in his hands at the end of each quarter, in bank; the amount derived from the sale of lands to be invested in bank stock, and the amount derived from other sources and called income fund, to be placed subject to the control of the board of trustees.

Your committee would also recommend to the board of trustees at their next meeting, the propriety of inquiring into the state of the University, and to ascertain whether it is in a flourishing or declining condition, and if they ascertain that the institution is not in as flourishing a condition as the munificent endowment—the large expenditures which have been made, and the generous and liberal salaries of the President and Professors would induce the State to expect, that they take such steps without delay, as will probably produce the desired result, and make full report thereof, to the Legislature at their next session.

JAMES JACKSON,

J. J. ORMOND,

M. D. WILLIAMS,

On the part of the House

F. S. LYON,

J. W. LANE,

R. CHAPMAN,

On the part of the Senate.

Which report, together with the accompanying documents, were laid upon the table and five hundred copies ordered to be printed for the use of this house.

And then the house adjourned to 3 o'clock this evening.

Evening Session, 3 o'clock.—On motion of Mr Keener, it was Re-

solved, That the senate be now informed that the house of representatives is ready to receive them for the purpose of going into the election of a judge of the county court for Pike county. *Ordered*, that the clerk acquaint the senate therewith.

Mr Fleming from the military committee, to whom was referred the petition of the officers of Jefferson county and the fifteenth regiment, third brigade and seventh division, reported that they have had the same under consideration and have directed me to report a bill to be entitled an act, to amend the militia laws of this State, so far as they relate to the fifteenth regiment, in the county of Jefferson, which was read and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, it was considered as engrossed and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

A message from the senate by mr Conner: Mr Speaker—The senate have passed bills of the following titles, viz: an act to compensate William D. Pickett, solicitor for the eighth judicial circuit for certain services therein named; an act supplemental to an act, passed at the present session of the general assembly, entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census. In all of which they ask the concurrence of the house of representatives.

Mr Creagh from the select committee, to which was referred a joint memorial to the congress of the United States, on the subject of the sixteenth sections, have had the same under consideration, and have instructed me to report it to the house with the following amendment, viz: strike out the following words, "when the number of white persons amount to forty;" which was concurred in. Mr Musgrove moved to amend the memorial by adding another resolution, which was adopted; it was ordered to be engrossed for a third reading.

Bill from the senate entitled an act, to compensate William D. Pickett, solicitor of the eighth judicial circuit, for certain services therein named, was read and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed and read the third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Bill from the senate entitled an act, supplemental to an act, passed at the present session of the general assembly, entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts, according to the late census, was read and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was considered as engrossed and read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Mr Morrisett from the committee on propositions and grievances, to whom was referred the account of Mitchell McFarland, have had the same under consideration, and directed me to report a bill to be entitled an act, for the relief Mitchell McFarland, which was read and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The senate having repaired to the hall of the house of representatives and taken their seats, the two houses then proceeded to the election of a judge of the county court for Pike county. Abraham Miles alone being in nomination.

Those who voted for mr Miles are, messrs President Anderson Ash Barclay Brown Chapman Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Wilkinson, of the senate.—Representatives, messrs Speaker Ambrister Barron Beene Bonham Brown of M. Carithers Carmack Chamberlain Creagh Davis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Hallett Harris Hill of H. and D. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons Taylor Walker Webster M. D. Williams and T. Williams.

Mr Miles having received all the votes given, was declared by mr Speaker, duly elected judge of the county court for Pike county.

Having gone through the election, the senate withdrew.

A message was received from the governor by mr Thornton:

SECRETARY OF STATE'S OFFICE, January 15, 1834.

Mr Speaker: I am requested by the governor to inform your honorable body, that he did on the 14th instant, approve and sign the following bills, viz: an act to amend the road laws within the county of Mobile and for other purposes; an act to provide for the election of commissioners in the town of North Tuscaloosa, and to appoint commissioners to superintend the public buildings in the county of Walker; an act supplemental to an act, to incorporate the merchants insurance company of Huntsville; a joint resolution for the relief of certain persons therein named; an act to lay off a beat in that part of the Choctaw country west of the Tombecbee river, and lying in the limits of Pickens county; an act to repeal in part, an act entitled an act, to authorize the judge of the county court and commissioners of revenue and roads of Wilcox county, to levy an extra tax for the purpose of building a jail in said county; an act supplemental to an act, authorizing a lottery for the improvement of a road therein named, passed 17th December, 1832; an act to change the time of holding the county courts of Dallas county; an act to authorize the levying of an additional county tax, for the county of Lawrence; an act to repeal an act, for the relief of the sheriff of St Clair county; an act to repeal the third, fourth and fifth sections of an act in relation to a road leading from D. Lewis', in originally Pike but now Barbour county, approved 20th January, 1830; and also, the entire act upon the same subject and in relation to the same road, approved 4th January, 1832; an act to permit the entry of certain lands therein named, at the land office at Courtland; an act to appoint commissioners for the county of Sumpter, to survey and sell town lots in the town of Livingston, the seat of justice thereof, and to erect public buildings in the same; an act to incorporate the Alabama and Tennessee rail road company; an act to incorporate the Athens rail road company; an act for the relief of the tax collector of Tallapoosa county; an act to incorporate the Madison turnpike company; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Blount, to levy a special tax for the purpose of building a new court-house and jail in the town of Blountsville, for said county; an act to form a company beat of militia of a less number of privates than forty in the county of Franklin, an act to locate permanently, the seat of justice for the county of Henry; an act to incorporate the town of Benton, in the county of Lowndes; an act to incorporate the town of Louisville, in Barbour county; an act prescribing the mode of removing obstructions to the navigation of Point Rock river; an act to attach a part of the county of St. Clair to Jackson county; an act to revive, repeal in part and amend an act entitled an act, to incorporate the town of Erie, in the county of Greene, approved the 14th day of December, 1822; an act to adjust and settle the claims of William Jordon, for services rendered the county of Washington; an act for the relief of the assessor and tax collector of Madison county; an act for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county; an act to change the time of holding the county courts in certain counties therein named; an act to authorize the summoning of a jury for the fourth and fifth weeks of the circuit court of Mobile county and for other purposes, an act to authorize and continue in office certain officers in the thirteenth company of the fifteenth regiment of Alabama militia, in Jefferson county; an act to compensate the commissioners of revenue and roads in the county of Fayette; an act to incorporate the Mobile and New Orleans steam boat navigation; an act to permanently fix the seat of justice for the county of Tallapoosa; an act to provide for the appointment of a commissioner in the county of Benton; an act to authorize Harrel Hobdy, sheriff of Barbour county, to keep his office in the town of Louisville, in said county; an act to revive the act incorporating the town of Bellefonte; an act to incorporate the Athens Lodge, No. 16, of Ancient free masons; an act for the relief of Nancy C. Neely; an act to change the time of holding the commissioners court of roads and revenue in the county of Washington; an act to authorize the judge of the county court of commissioners of roads and revenue for the county of Jefferson, to levy a special tax for the building or repairing a jail in said county; an act for the relief of the assessor and tax collector of Monroe county; an act supplemental to an act entitled an act, to amend an act to incorporate the town of Montgomery, approved January 15, 1828; an act to authorize the building of a court house in Montgomery county; an act further to extend the time for the relief of Sterling E. Harrison; an act in relation to the town of Lowndesboro, in the county of Lowndes; all of which originated in the house of representatives.

A bill from the senate entitled an act, to increase the capital stock of the

bank of Mobile and to extend its charter, and supplemental to the act entitled an act, to establish a bank in the town of Mobile, passed 20th November, 1818, was read the second time. Mr T. Williams moved to amend the bill by adding the word "Tuscaloosa" after the word "Huntsville," which was carried. Mr Creagh moved to strike out the proviso to the seventh section, which was carried; and the rule requiring bills to be read on three several days dispensed with, the bill was considered as engrossed and read a third time forthwith. The question being put, shall this bill pass? It was decided in the affirmative. Yeas 50, nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Armbrester Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Davis Evans Farrar Fleming Gardner Gayle Harkins Hall of B. Hallett Harris Hill of H. and D. Hopkins Horton Houston Jackson Johnson Jones of T. Lawson Massey Mason McDavid McRae Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Rains Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Webster M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Barron Creagh Ellis Fortson Hudson Jones of M. Keener Lee Mirce Rather and Walker.

So the bill passed. *Ordered*, that the clerk acquaint the senate therewith.

Joint resolution proposing an amendment to the constitution of the State of Alabama, so as to authorize the election of judges of the county courts by the qualified electors of each county, was read a second time and referred to the judiciary committee, to consider and report thereon to-morrow.

The bill entitled an act, authorizing and requiring the assessor and tax collector of the county of Baldwin, for the year 1834, to assess and collect the taxes that was due from said county for the year 1833, and for other purposes, was read the second time; and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Engrossed joint resolution on the subject of the public lands, was read a third time and passed.

Engrossed bills of the following titles, viz: an act to prevent injury to rail roads; an act for the better regulation of roads; an act to regulate the transactions of the branches of the bank of the State of Alabama, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill to be entitled an act, more effectually to prevent trading with negro slaves, was read and ordered to be laid on the table.

Engrossed bill entitled an act, prescribing the mode of appointing assessors and tax collectors, was read the third time, and the question being put, shall this bill pass? It was determined in the affirmative. Yeas 24, nays 22.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Carmack Creagh Fortson Gardner Harkins Hollis Hopkins Houston Hudson Jones of T. Keener Massey Mason McRae Morrisett Oliver Ormond Rains Rather Richardson Sanders of D. Sumners M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Speaker Armbrester Barron Beene Carithers Davis Farrar Gayle Hall of B. Hill of H. and D. Jackson Johnson Lawson Lee McDavid Mirce Musgrove Nabors Sanders of L. Simmons Stewart and Walker.

So the bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Message from the senate by mr Conner: Mr Speaker—The senate have passed a bill from the house of representatives, entitled an act to provide

for the payment of certain persons therein named, and have amended the same as therein shewn.

Ordered, that the house disagree to the amendment made by the senate to the bill entitled an act, for the payment of certain persons therein named. *Ordered*, that the clerk acquaint the senate therewith.

Engrossed bill to be entitled an act, more fully to define the time of executing process issued by a justice of the peace in civil suits, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that it be sent to the senate for their concurrence.

Engrossed bill to be entitled an act, to prevent directors of banks from acting as attorneys for banks, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed joint resolution in relation to the alteration of the constitution of the State of Alabama, was read a third time; the question then was on its passage and determined in the affirmative. Yeas 34, nays 16.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbrester Barron Beene Carmack Chamberlain Creagh Farrar Gardner Hallett Hill of H. and D. Hopkins Horton Houston Hudson Jackson Johnson Keener Lawson Lee Massey Mason McDavid McRae Mirce Morrisett Musgrove Norwood Oliver Ormond Sanders of D. Sanders of L. Stewart and Walker.

Those who voted in the negative, are messrs Carithers Davis Fortson Gayle Harkins Hall of B. Hollis Jones of T. Nabors Rather Richardson Simmons Sumners M. D. Williams and T. Williams.

So the bill passed. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill entitled an act, to prevent the sale of foreign lottery tickets, was read and ordered to be laid on the table.

Message from the senate by mr Conner: Mr Speaker—The senate concur in the amendment made by the house of representatives to the bill from the senate, to increase the capital stock of the bank of Mobile, &c. and have amended the amendment of the house, by inserting the word "Tuscaloosa," as therein shewn. In which the concurrence of the house is asked.

Ordered, that the house concur in the amendment made by the senate to the bill entitled an act, to increase the capital stock of the bank of Mobile, &c.

Engrossed bill to be entitled an act, to enlarge the powers of clerks of the county courts, in taking the acknowledgment of deeds and relinquishment of dower, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed joint memorial on the subject of the tariff, was read a third time and passed. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill to be entitled an act, to fix the fees of county surveyors, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The engrossed bill to be entitled an act, to amend the road laws, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill to be entitled an act, to increase the salary of the solicitor of the first judicial circuit, read and ordered to be engrossed for a third reading. And then the house adjourned to 10 o'clock to-morrow.

Thursday, January 16, 1834.—Mr Porter obtained leave to introduce a bill to be entitled an act, providing for reporting the decisions of the supreme court, which was read; and the rule requiring bills to be read on

three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was taken for engrossed and read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Message from the senate by mr Conner: Mr Speaker—The senate have passed bills from the house of representatives of the following titles, viz: an act for the better organization and regulation of the 40th regiment, 15th brigade and 6th division of Alabama militia; an act to repeal in part, an act entitled an act, to regulate the rate of interest, passed December 17th, 1819; an act the more effectually to secure the administration of justice in criminal cases; an act to define and mark the line between the counties of Greene and Pickens; an act to reduce the number of jurors to be drawn and summoned in future, to attend the circuit court in the county of Fayette; an act to extend to the warrior guards, certain privileges granted to the Cahawba guards, by an act passed 28th December, 1831; an act providing for the erection of public buildings in Monroe county; an act declaratory of the law concerning contempts of court. They have also passed bills from the house of representatives, which they have amended as is therein shown, of the following titles, viz: joint memorial to the congress of the United States; an act to authorize certain persons therein named, to charge toll at the western end of the bridge across the Chatahoochie river, opposite Columbus, Georgia; an act to alter the time of holding the circuit courts in the 6th circuit; joint memorial of the legislature of the State of Alabama, to the congress of the United States. In all of which they ask the concurrence of the house of representatives. They have also passed a bill to be entitled an act, to incorporate the Erie and Greensborough rail road company. In which they ask the concurrence of the house of representatives.

Ordered, that the house concur in the amendment made by the senate to the joint memorial to the congress of the United States. *Ordered*, that the house concur in the amendment made by the senate to the bill to be entitled an act, to authorize certain persons therein named to charge toll at the western end of the bridge across the Chatathoochie river, opposite Columbus, Georgia. *Ordered*, that the house concur in the amendment made by the senate to the joint memorial of the legislature of the State of Alabama, to the congress of the United States.

The bill from the senate to be entitled an act, to incorporate the Erie and Greensborough rail road company was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was taken for engrossed, read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Mr Hopkins from the judiciary committee, to which was referred a resolution to inquire into the truth of certain charges made against the judge of the county court of Pike county, beg leave to report that they proceeded to take testimony, with respect to the same. But as the said judge has since resigned, they beg leave to be discharged from further action on this subject, which was granted.

The house concurred in the amendment made by the senate to the bill entitled an act, for the relief of the purchasers of certain lands therein named.

The bill to be entitled an act, compensating J. G. Aikin, for certain services therein named, was read the second time; and the rule requiring bills to be read on three several days being dispensed with, the bill was consid-

ered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The bill to be entitled an act, making appropriations for the year 1834, was read the second time; and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Carithers made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act to incorporate for a limited time, the Paint Rock river navigation company; an act to change the time of holding the county courts of Autauga county; an act to amend the charters of the branches of the bank of the State of Alabama at Decatur and Montgomery; an act to authorize the president of the senate and speaker of the house of representatives, to issue certificates of election to the president and directors of the bank of the State of Alabama and the several branches thereof; an act to change the time of holding the circuit courts of the second judicial circuit; an act to provide a more summary mode of collecting money from clerks.

The bill from the senate entitled an act, to provide for the printing and distribution of the laws and journals, was read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Engrossed joint memorial to the congress of the United States, requesting the right of a grant of land for each township where the 16th sections have proved valueless, was read a third time and passed. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bills of the following titles, viz: an act to prevent the imprisonment of females; and an act to prevent the president and directors of the branch of the bank of the State of Alabama at Mobile, from discounting more than five thousand dollars for themselves, and to prohibit them from endorsing for each other, or any other person or persons of said branch bank, were on motion of mr Horton, indefinitely postponed. Yeas 30, nays 16.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Barron Beene Brown of J. Brown of M. Carmack Fleming Fortson Gardner Gayle Harkins Hall of B. Hopkins Horton Jones of T. Keener Lawson Lee Massey Mason McDavid Musgrove Nabors Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners and T. Williams.

Those who voted in the negative, are messrs Ambrester Carithers Creagh Davis Evans Farrar Hudson Johnson Jones of M. Miree Morrisett Norwood Oliver Rather Walker and M. D. Williams.

Engrossed bill entitled an act, to regulate the mode of computing interest in certain cases, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill to be entitled an act, to provide for the commissioners of roads and revenue of this State, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The further consideration of the house upon the amendments made by the senate to the bill entitled an act, to alter the times of holding the circuit courts in the 6th judicial circuit, was postponed to three o'clock.

Engrossed bill from the senate entitled an act, for the relief of Charlotte A. Baker and Charlotte Dillard, was read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Engrossed bill to be entitled an act, to attach the militia of Sumpter county to the 6th brigade of Alabama militia, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill entitled an act, to repeal an act now in force as confining the collection of debts before the justice of the peace in the beat where the contracts were made. was read a third time and passed. Yeas 34, nays 10.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Armbrister Barron Beene Brown of J. Carithers Chamberlain Evans Farrar Fleming Gardner Gayle Harkins Hopkins Horton Jackson Johnson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid Mince Musgrove Oliver Richardson Sanders of D. Sanders of L. Simmons Walker M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Carmack Davis Hall of B. Hudson Keener Nabors Rather Stewart Sumners and Taylor.

The bill to be entitled an act to authorize Seldon A. McMeans of Lowndes county, to practice medicine for two yeas, was read a second time. Mr Evans moved to amend the bill by striking out "two years," and insert "until the next annual session of the medical board of this State," which was lost. Mr Gayle moved to amend the same by striking out the first section of the bill, also the words "and for other purposes," which was carried; and the constitutional rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that it be sent to the senate for their concurrence.

The bill from the senate entitled an act, to organize a legion of volunteers for the city and county of Mobile, was read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the senate entitled an act, for the relief of Terry Riddle, was read the third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Bill from the senate entitled an act, to incorporate the Cahawba river bridge company, was ordered to be laid on the table.

Engrossed bill entitled an act, to allow the executors of William Murrell, deceased, half pay for a slave killed while under sentence of death, was read a third time and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Engrossed bill from the senate entitled an act, the more effectually to secure the collection of rents in the city of Mobile, was read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

The bill to be entitled an act for the relief of Edward Jones, was read the second time. Mr Norwood moved to amend the bill by adding, "James ward P. Poston" after "Jones," which was carried; the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Message from the senate by mr Conner: Mr Speaker—The senate have passed a bill of the following title, which originated in the house of representatives: an act to incorporate the trustees of the Alabama institution of literature and industry. They have also passed the following bills, viz: an act to incorporate a company of artillery at Greensboro, in the county of Greene; an act to exempt revolutionary soldiers from paying taxes on one eighty acre tract of land. In which the concurrence of the house is asked.

Engrossed bill entitled an act, for the relief of Levi Cummings, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the senate for their concurrence.

Memorial to the congress of the United States, asking an appropriation of twenty thousand dollars, for the purpose of opening a road from Ashville, in the county of St. Clair, through the Cherokee nation, to the State of Georgia, was read a third time and passed. *Ordered*, that the same be sent to the senate for concurrence.

Engrossed bill entitled an act, to reduce the number of days that hands shall be subject to work on public roads, in the county of Blount and for other purposes, was read a third time and passed. Yeas 34, nays 16.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbrester Barron Beene Brown of J. Brown of M. Carithers Carmack Chamberlain Farrar Fleming Fortson Gavle Hallett Hopkins Horton Jackson Johnson Jones of M. Lee McDavid Miree Morrisett Musgrove Norwood Oliver Rains Sanders of L. Simmons Stewart Taylor Walker M. D. Williams and T. Williams.

Those who voted in the negative, are messrs Creagh Davis Evans Gardner Hall of B. Harris Houston Hudson Jones of T. Keener Massey Nabors Pegues Rather Richardson and Sanders of D.

Engrossed bill entitled an act, to fix the salary of the solicitor of the first judicial circuit, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the senate for their concurrence.

Engrossed bill to be entitled an act, to authorize William Johnson to erect a saw and grist mill on the Cahawba river, was read a third time and passed. *Ordered*, that the title to the bill be as aforesaid, and that it be sent to the senate for their concurrence.

The bill from the senate entitled an act, to incorporate a company of artillery at Greensboro, in the county of Greene, was read the first time; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, the bill was taken for engrossed, read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Bill from the senate to be entitled an act, to exempt revolutionary soldiers from paying tax on one eighty acre tract of land, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Simmons moved to amend it with a proviso by way of rider, which was lost; the bill was then considered as engrossed, the constitutional rule suspended, read a third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

The amendment as reported by Mr Jackson to the bill entitled an act, more effectually to prevent trespasses on real estate being concurred in, the bill was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Creagh obtained leave to introduce a bill to be entitled an act, to extend and enlarge the first section of an act entitled an act, to adopt, print, bind and distribute the new digest, compiled by John G. Aikin, Esq. and for other purposes, which was read, and the question recurred on ordering it to a second reading and lost. Yeas 23, nays 28.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Armbrester Beene Creagh Evans Farrar Fleming Harkins Hallett Harris Hopkins Hudson Jones of M. Jones of T. Lee Mason Morrisett Musgrove Oliver Richardson Sanders of D. Walker and M. D. Williams.

Those who voted in the negative, are messrs Barron Bonham Brown of J. Carithers Carmack Davis Ellis Fortson Gardner Hall of B. Horton Houston Johnson Keener Lawson Massey McDavid Miree Nabors Norwood Oliver Rains Rather Sanders of L. Stewart Sumners Taylor and T. Williams.

Mr Brown of J. from the committee on privileges and elections, to which

was referred sundry resolutions, reported a bill to be entitled an act, to abolish and establish certain election precincts therein named, which was read; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and ordered to be laid on the table.

Mr Fleming from the special committee, to whom was referred the petition of the president of the Indian creek canal company and other citizens of Madison county, praying an extension of the powers of the company, have had the same under consideration and have directed me to report that any action on the petition at this session of the legislature, is in the opinion of the committee, inexpedient, and that the ground of this opinion has not arisen upon the merits of the petition, but because immediately after its presentment and reference, a counter petition of other citizens of the same county was transmitted and referred to the same committee; taking both the petitions in consideration, could not ascertain whether the first petition would meet the general views of those to be effected, and therefore, come to the determination of the above report.

Mr Sanders of D. called up the bill entitled an act, to incorporate the Cahawba river bridge company, which was read the third time and passed. *Ordered*, that the title be as aforesaid, and that it be sent to the senate for their concurrence.

Mr Morrisett from the committee on propositions and grievances, to whom was referred the account of James Kelly, reported that they have had the same under consideration, and directed me to report that, in the opinion of the committee, the sum of one hundred dollars heretofore allowed the claimant, is a reasonable compensation for the services rendered. In which report, the house concurred.

And then the house adjourned to 3 o'clock this evening.

Evening Session, 3 o'clock.—Mr Hallett from the committee on accounts and claims, to whom the subject had been referred, reported a bill to be entitled an act, making appropriations for the payment of certain claims against the State of Alabama, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr Jackson moved an amendment to the bill, which was carried; and the rule being further dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Ellis obtained leave to introduce a bill to be entitled an act to change the time of holding the circuit courts in the counties of Randolph and Benton, which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, the bill was taken for engrossed, read the third time forthwith and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Hopkins moved that the committee on the judiciary be discharged, which was granted.

Mr Keener called up the bill to be entitled an act to abolish and establish certain election precincts therein named. Mr Keener moved to amend the same by sections, which was adopted, the bill was considered as engrossed and read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Creagh from the committee to which had been referred the bill from the senate entitled an act to reduce the tax fees of the attorneys of the bank of the State of Alabama and its several branches and for other purposes, reported the same with sundry amendments, which were concurred in and the bill read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Creagh from the committee on the State bank, to which was referred a bill to be entitled an act to amend the charters of the branches of the bank of the State of Alabama at Mobile, Decatur and Montgomery, have had the same under consideration and have instructed me to report it to the house without amendment.

Mr Hudson moved to postpone the bill indefinitely, which was lost: Yeas 13, nays 32.

The yeas and nays being called for, those who voted in the affirmative are, messrs Creagh, Ellis Harris Hollis Hudson Jones of T. Lawson Morrisett Musgrove Nabors Morwood Simmons and Sumners.

Those who voted in the negative are, messrs Speaker Barron Beene Brown of J. Carithers Carmack Chamberlain Evans Farrar Gardner Gayle Harkins Hall of B. Hallett Hopkins Horton Houston Jackson Keener Massey Mason Miree Oliver Ormond Rains Rather Richardson Sanders of D. Sanders of L. Walker M. D. Williams and T. Williams.

The question then was on dispensing with the constitutional rule, which required bills to be read on three several days, so as to be read a third time forthwith, which was lost. Yeas 31, nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Barron Beene Brown of J. Carithers Carmack Chamberlain Farrar Gardner Gayle Harkins Hall of B. Hallett Hopkins Horton Houston Jackson Keener Massey Mason Miree Oliver Ormond Rains Rather Richardson Sanders of D. Sanders of L. Walker, M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Creagh Davis Ellis Evans Harris Hudson Jones of T. Lawson Lee Morrisett Musgrove Nabors Simmons and Sumners.

The bill was then ordered to a third reading.

Message from the senate by Mr Conner: Mr Speaker—The senate have passed a bill of the following title: an act to fix the time of holding the circuit court of the county of Madison, in which they ask the concurrence of the house of representatives.

The bill from the senate entitled an act to fix the time of holding the circuit court of the county of Madison was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, the bill was taken for engrossed and read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Message from the senate by Mr Conner: Mr Speaker—The senate have passed a bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Madison to settle with the legal representatives of Robert A. Bell, deceased, in which they ask the concurrence of the house.

Bill from the senate entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Madison county to settle with the legal representatives of Robert A. Bell, deceased was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Mr Ellis obtained leave to introduce a bill to be entitled an act to change the names of certain persons therein named, and for other purposes, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was considered as engrossed and read a third time

forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Message from the senate by Mr Conner: Mr Speaker—The senate recede from their amendment to the bill from the house of representatives to provide for the payment of certain expenses therein named.

Mr Creagh made the following report: The committee on the State bank, to which was referred the bill to be entitled an act to amend the charter of the bank of the State of Alabama and its several branches, have had the same under consideration and have instructed me to report it back to the house with the following amendments, viz: Strike out the whole of the second section of the bill, in which amendment the house concurred. The bill was then taken as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Miree made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: an act to authorise the establishment of a ferry on Conecuh river in the county of Conecuh; an act to form a company beat in the county of Marengo with a less number of privates than forty, which bills originated in the senate; an act providing additional compensation for the judge of the county court of Baldwin county; an act the more effectually to secure the administration of justice in criminal cases, which bills originated in the house of representatives.

Mr Creagh made the following report:

The committee on the state bank, to which was referred a bill to be entitled an act to authorize the bank of the State of Alabama and the several branches thereof to issue post notes, have had the same under consideration and have instructed me to report it back to the house with the following amendment by way of proviso at the end of the bill: "*Provided*, neither of said banks shall ever issue more than one tenth of its paper in post notes," in which report the house concurred, and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Creagh from the committee on the State bank, to which had been referred the bill from the senate to be entitled an act to fix the salaries of the several bank officers reported the same as amended, in which the house concurred. Mr Hudson then moved to strike out "\$2000" salary to the cashier of the bank, which was lost. The bill was then read a third time and passed. Yeas 37, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Barron Beene Brown of J. Car nack Chamberlain Creagh Davis Ellis Evans Gardner Gayle Harkins Hallett Harris Hopkins Horton Houston Jackson Johnson Jones of T. Lee Massey Mason Miree Musgrove Oliver Ormond Rains Richardson Sanders of D. Sanders of L Simmons Sumners Walker M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Carithers Hall of B. Hollis Hudson Keener Lawson Morrisett Nabors Norwood and Rather.

So the bill passed. *Ordered*, that the clerk acquaint the senate therewith.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, viz: an act to amend the charter of the several branch banks in this State; an act supplemental to an act passed at the present session of the general

assembly entitled an act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts according to the late census; an act to repeal in part an act entitled an act to regulate the rate of interest, passed December 17, 1819; an act to define and mark the line between the counties of Greene and Pickens; an act to increase the capital stock of the bank of Mobile and to extend its charter, and supplemental to the act entitled an act to establish a bank in the town of Mobile, passed 20th November, 1818.

Mr Rather made the following report:

The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles to wit: an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka; an act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts according to the late census; an act to incorporate the Tuscumbia rail road insurance company.

Mr M. D. Williams obtained leave to introduce a bill to be entitled an act to declare a part of Big Sandy creek in Tuscaloosa county a public highway, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was taken for engrossed, read a third time and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

The undersigned, members of the house of representatives, believing that the bill apportioning representatives to the several counties of this State and to divide the State into senatorial districts which has passed at the present session is not warranted by the constitution of this State, they do hereby enter their solemn protest against the said law.

1st. Because the 10th section of the 3d article of the constitution of this State requires that the legislature, after fixing on the number of senators, shall divide the State into the same number of districts as nearly equal in the number of white inhabitants as may be; whilst, in violation of this salutary provision of the constitution, the manifest object of which was to preserve that equality which is the basis of all our institutions, the bill as passed places on the same footing in the small counties sending six, five and four representatives to the lower house, with those counties which are barely entitled to two representatives in the lower house. The undersigned cannot perceive any overruling necessity which required such a sacrifice of the fundamental principles of our government, and they are constrained to consider it as a plain, open and direct violation of the constitution.

2d. The 16th section of the 6th article provides that "every new county, as to the right of suffrage and representation shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of separate representation." This plain and clear mandate of the constitution has also been violated in the bill above referred to, by allowing some of the counties in the Creek country to vote with each other, instead of the counties to which by law they have previously been attached.

The undersigned cannot believe that such a violation of the constitution can come to good. They think that the rights, the liberties and every thing dear to the people of this State, can only be preserved by a rigid adherence to that charter which is not only the evidence of our rights, but the safeguard of our liberties. For these and many other reasons, they feel solemnly called on to enter their protest against the passage of the said law, and pray that this their protest may be entered on the journals of the house.

JOHN H. LAWSON,
W. SANDERS, of Limestone,
GEO. T. JONES,
JAMES JACKSON,
R. F. HOUSTON,
H. W. ELLIS,
J. J. ORMOND,

A. F. HOPKINS,
B. W. HUDSON,
JOHN L. McRAE,
JOHN STEWART,
C. CARMACK,
HENRY NORWOOD,
SAM'L JOHNSON,

J. T. RATHER,
GEO. NASON,
SAM'L WALKER,
JOLLY JONES,
A. HARRIS,
JOHN MORRISSETT,
WILLIAM S. TAYLOR.

Mr Hudson moved to take up the bill to be entitled an act relinquishing land to the Tuscumbia, Courtland and Decatur rail road company, which which was lost.

The bill entitled an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company was considered engrossed and read a third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the senate for their concurrence.

Mr Carithers made the following report:

The committee on enrolled bills have examined and find correctly en-

rolled, bills of the following titles, to wit: an act to reduce the number of jurors to be drawn and summoned in future to attend the circuit court in the county of Fayette; an act to extend to the Warrior guards certain privileges granted to the Cahawba guards by an act passed 28th December, 1831; an act to quiet the claim to certain property in the city of Mobile; an act to compensate William D. Pickett, solicitor of the 5th judicial circuits for certain services therein named.

And then the house adjourned till 10 o'clock to-morrow.

Friday, January 17, 1834.—Mr. Jackson moved a call of the house, when the following members appeared and answered to their names:

Messrs Speaker Birron Beene Bowen Brickell Carithers Carmack Fortson Gardner Gayle Harkins Hall of A, Houston Hudson Jackson, Jones of T. Mason McDavid McRae Musgrove Nabors Norwood Ormond Price Rather Rhodes Richardson Salter Scott Stewart Sumners Ware M. D. Williams and T. Williams.

On motion of Mr Jackson, the committee on the State Bank was discharged from the further consideration of the several subjects to them referred.

On motion of Mr Ormond, the committee on inland navigation was discharged from the further consideration of the several subjects to them referred.

Message from the senate by Mr Conner: Mr Speaker—The senate concur in the amendment made by the house to the joint resolution authorizing the commissioner of the State capitol to procure additional furniture for the senate and house of representatives and for other purposes.

They also concur in the amendments made by the house to the bill entitled an act to permit the introduction and sale of lottery tickets in this State.

They have indefinitely postponed a bill from the house of representatives entitled an act to repeal in part an act therein named; and an act in relation to the duties of the treasurer of the State of Alabama.

The senate have passed bills from the house of representatives of the following titles: an act to authorize John Baldridge and his associates to turnpike a certain road therein named; an act to regulate the rate of ferriage at the ferry at or near Vernon, Autauga county; an act to authorize Kenney Pool to get coal from the bed of the Warrior river and for other purposes; an act for the relief of Vienna Jolly; an act for the better regulation of roads; an act to prevent injury to rail roads; an act to amend the militia laws of this State so far as they relate to the 15th regiment in the county of Jefferson; an act to incorporate the Centreville light horse company; an act to authorize John M. Sally, George Grisham and Allen Levi to open and make navigable Big Swamp creek in Lowndes county; an act for the temporary relief of certain persons indebted to the bank of the State of Alabama; and an act to incorporate the Cahawba and Marion rail road company, which they have amended as therein shewn, and in which the concurrence of the house of representatives is asked.

The senate have passed bills of the following titles: an act supplemental to an act passed the present session of the general assembly to incorporate the Moulton rail road company; an act to authorize a special tax for the county of Wilcox; an act to authorize the governor to appoint a private secretary; an act to incorporate the town of Clinton, in Greene county; an act for the punishment of the keepers of billiard tables, and for other purposes; an act concerning evidence; an act to authorize Gideon B. Denton to erect a mill on Talladega creek in Talladega county; an act to distribute the funds arising from the sale of the 16th sections in the Tennessee valley, and an act to repeal in part and modify an act entitled an act to

regulate trials before justices of the peace, approved 31st December, 1830, in all of which the concurrence of the house of representatives is asked.

And then he withdrew.

Bill from the senate to be entitled an act to authorize a special tax for the county of Wilcox was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Bonham moved that the bill be indefinitely postponed, which was carried.

Bill from the senate entitled an act supplemental to an act passed the present session of the general assembly to incorporate the Moulton rail road company was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with it was taken for engrossed, read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Bill from the senate entitled an act to incorporate the town of Clinton in the county of Greene was read and ordered to be laid on the table.

Bill from the senate entitled an act to authorize the governor to appoint a private secretary was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and ordered to a third reading.

Bill from the senate entitled an act for the punishment of the keepers of billiard tables and for other purposes was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and ordered to a third reading.

Bill from the senate entitled an act to authorize Gideon B. Denton to erect a mill on Talladega creek in Talladega county was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Bills from the senate of the following titles, to wit: an act concerning evidence; an act to distribute the funds arising from the sale of the 16th sections in the Tennessee valley; and an act to repeal in part and modify an act entitled an act to regulate trials before justices of the peace, approved December 31st, 1830, were severally read, and the rule requiring bills to be read on three several days being dispensed with, they were read a second time forthwith, and the rule being further dispensed with, they were considered as engrossed, read a third time forthwith and passed. *Ordered*, that the clerk acquaint the senate therewith.

Message from the senate by Mr Conner: Mr Speaker—The senate have passed bills which originated in the house of representatives of the following titles: an act for the punishment of certain offences committed upon the territory ceded by the creek tribe of Indians to the United States of America; an act to repeal in part and amend the law relating to the apportionment of hands to work on public roads.

They have also passed bills from the house which they have amended as therein shewn; an act to regulate the transactions of the branch of the bank of the State of Alabama at Mobile; an act to amend an act concerning attachments, approved January 12, 1833.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, viz; an act to authorize a lottery for the improvement of the public square and streets in the town of Florence in the county of Lauderdale;

an act to divorce certain persons therein named; an act to provide for the payment of certain expenses therein mentioned; an act the more effectually to secure the collection of rents in the city of Mobile.

Mr Jackson moved to disagree to the amendment by proviso, made by the senate to the bill entitled an act to regulate the transactions of the branch of the bank of the State of Alabama at Mobile, which was carried *Ordered*, that the clerk acquaint the senate therewith.

Ordered, that the house disagree to the amendments made by the senate to the bill entitled an act concerning attachments, approved January 12, 1833, by striking out the second section. *Ordered*, that the clerk acquaint the senate therewith.

Engrossed bill from the senate entitled an act to amend the charters of the branches of the bank of the State of Alabama at Mobile, Decatur and Montgomery, was read a third time, and the question being put, shall this bill pass? it was determined in the negative. Yeas 18, nays 20.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barron Beene Brown of M. Carmack Chamberlain Farrar Harkins Hopkins Houston Jackson McRae Oliver Ormond Rather Sanders of D. Sanders of L. Walker and M. D. Williams.

Those who voted in the negative are, messrs Armbrister Bonham Carithers Davis Ellis Fleming Hall of B. Hudson Jones of T. Massey Miree Morrisett Musgrove Nabors Norwood Simmons Stewart Sumners Taylor and T. Williams.

Mr Davis made the following report:

The committee on enrolled bills have examined and find correctly enrolled, a joint memorial to the congress of the United States.

Mr Davis made the following report:

The committee on enrolled bills have examined and find correctly, enrolled, bills of the following titles: to wit: an act to incorporate the town of Wetumpka; an act for the better organization and regulation of the 40th regiment, 15th brigade and 6th division of Alabama militia; an act to authorize the judges of the county courts to emancipate slaves.

Mr Rather made the following report:

The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit; an act to incorporate the trustees of the Alabama institute of literature and industry; an act declaratory of the law concerning contempts of court; an act to authorize certain persons therein named to charge toll at the western end of the bridge across the Chattahoochie river opposite Columbus, Georgia; an act providing for the erection of public buildings in Monroe county; joint memorial of the legislature of the State of Alabama to the congress of the United States.

Mr Ellis obtained leave to introduce a bill to be entitled an act to provide for the keeping of the State capitol and the furniture therein, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was taken as engrossed and read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Morrisett offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the attorney general be instructed to take the necessary and legal steps to compel the commissioners of the State capitol to pay into the treasury the money expended in enclosing the State capitol without an appropriation made by law for that purpose. Mr Ellis moved that the resolution lie on the table, which was lost. Yeas 17, nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Carithers Ellis Houston Hudson Jones of T. Keener Massey McKee Nabors Ormond Rains Rather Sanders of L. Stewart Taylor M. D. Williams and T. Williams.

Those who voted in the negative are, messrs Armbrister Barron Beene Bonham Carmack Chamberlain Creagh Fleming Hopkins Jones of M. Lee Mason McDavid Miree Morrisett Musgrove Norwood Oliver Sanders of D. Simmons and Walker.

The resolution was then ordered to a second reading.

Message from the senate by Mr Conner: Mr Speaker—The senate concur in the amendment made by the house to the bill for the benefit of revolutionary soldiers.

Mr Rather offered the following:

Resolved, That the honorable Samuel W. Oliver, speaker of this house, having ably, faithfully, promptly and impartially, discharged the duties of his responsible trust, is entitled to the respects and thanks of this body, which was adopted.

Message from the senate by Mr Conner: Mr Speaker—The senate have passed a bill from the house of representatives of the following title; an act providing for reporting the decisions of the supreme court; they have also passed a bill from the house of representatives, which they have amended as herein shewn, of the following title: an act making appropriations for the payment of certain claims against the State of Alabama, in which they ask the concurrence of the house.

Mr Hudson moved that the house disagree to the amendments made by the senate to the bill making appropriations for the payment of certain claims against the State of Alabama, so far as relates to the allowance made to Mr McGuire, which was carried. Yeas 23, nays 15.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Barron Beene Bonham Brown of M. Chamberlain Fortson Hall of B. Hallett Houston Jackson Keener Lawson Lee Mason Miree Musgrove Oliver Porter Sanders of D. Sanders of L Simmons and M. D. Williams.

Those who voted in the negative are, messrs Armbrister Carithers Carmack Horton Hudson McKee Morrisett Nabors Rather Richardson Stewart Simmons Taylor Walker and T. Williams.

Mr Chamberlain obtained leave to introduce a bill to be entitled an act to alter the time of holding the several circuit courts in the first judicial circuit, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, it was considered as engrossed, read a third time and passed. *Ordered*, that the title to the bill be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Ellis obtained leave to introduce a bill to be entitled an act to amend an act to incorporate a company to build a toll bridge across the Black Warrior river opposite the town of Tuscaloosa, approved 2d January, 1833, which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, it was taken for engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Rather made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to prevent injury to rail roads.

Mr Horton called up the bill, to be entitled an act, for the encouragement of the drama, the question was on ordering it to a second reading and lost. Yeas 19, nays 27.

The yeas and nays being desired, those who voted in the affirmative, are messrs

Speaker Beene Bonham Brown of J. Brown of M. Carmack Chamberlain Ellis Fleming Gayle Hallett Horton Jackson Keener Lawson Lee Massey Sanders of D. and Sanders of L.

Those who voted in the negative, are messrs Barron Carithers Farrar Fortson Hopkins Houston Hudson Jones of M. Jones of T. Mason McRae Miree Musgrove Nabors Oliver Rather Richardson Simmons Sumners Taylor Walker and T. Williams.

Message from the senate by mr Conner: mr Speaker—The senate have passed a bill from the house of representatives of the following title: an act making appropriations for the payment of certain claims against the State of Alabama, and have amended the same by striking out the the sum of ten dollars, appropriated to George D. Beckwith. *Ordered*, that the house concur in the amendment made by the senate to the bill making appropriation for the payment of certain claims against the State of Alabama.

Mr Davis made the following report: The committee on enrolled bills, have examined and found correctly enrolled, the following bills. to wit: an act to prevent the introduction and sale of lottery tickets in this State; an act to amend the road laws; an act to fix the time of holding the circuit court of Madison county; an act to incorporate a company of artillery at Greensborough in the county of Greene; an act for the relief of Terry Riddle; joint resolution authorizing the commissioners of the State capitol to procure furniture for the senate and house of representatives and for other purposes; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Madison to settle with the legal representatives of Robert A. Bell deceased; an act supplemental to an act passed the present session of the general assembly to incorporate the Moulton rail road company; joint memorial of the senate and house of representatives of the State of Alabama to the congress of the United States; an act for the relief of Carlotta A. A. Baker and Charlotte Dillard; joint memorial of the general assembly of the State of Alabama to the congress of the United States.

Mr Miree made the following report: The committee on enrolled bills have examined and found correctly enrolled an act to incorporate the Erie and Greensborough rail road company which bill originated in the senate.

Mr Carithers made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, viz: an act to incorporate the town of Wetumpka; an act to authorize and require the president and directors of the bank of the State of Alabama to pay off the certificates of State stock issued in conformity of a law of 1823.

The undersigned, who voted in the minority, upon a motion to reconsider the vote to postpone to a day beyond the session joint resolutions of the general assembly of the State of Alabama in relation to the act passed at the last session of congress, commonly called the force bill; begs leave to place upon the journals the reasons of his vote

When the resolutions were called up he was prevented offering an amendment which he designed, in the following words: "strike out all after the word 'resolved,' and insert the following; 'that it is the decided opinion of this general assembly, that the said bill was uncalled for at the time of its passage, and that the course of our senators and representatives in congress, in reference thereto, is highly approved."

Resolved, That our senators be instructed and our representatives requested to use their influence in procuring the repeal of said act, at as early a day as practicable; and that each senator and representative be furnished by the executive of this State with a copy of this resolution."

In consequence of being prevented by the rules of the house from offering the amendment, he moved to reconsider the vote, to enable him to do so, which failed.

JESSE BEENE.

And then the house adjourned till three o'clock.

Three o'clock, evening session,—Mr Rather made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit: an act providing for reporting the decisions of the supreme court; an act for the relief of purchasers of

the University lands; an act to authorize Gideon B. Denton to erect a mill on Talladega creek in Talladega county.

Message from the senate by mr Conner: mr Speaker—The senate have passed a bill from the house of representatives of the following title; an act to prevent directors of banks from acting as attorneys for banks, which they have amended as therein shown. In which they ask the concurrence of the house of representatives.

Mr Davis made the following report: The committee on enrolled bills have examined and found correctly enrolled the following bills to wit: an act for the temporary relief of certain persons indebted to the bank of the State of Alabama; an act for the better regulation of roads; an act to authorize Kinney Pool to get coal from the bed of the Warrior river and for other purposes; an act for the relief of Vienna Jolly; and, an act to regulate the rate of ferriage at or near Vernon Autauga county.

Message from the senate by mr Conner: mr Speaker—The senate have passed bills from the house of representatives of the following titles: an act for the relief of John B. McAllister, sheriff of Greene county; an act altering the times of holding the several circuit courts in the first judicial circuit; also, an act to amend an act entitled an act to incorporate a company to build a toll bridge across the Black Warrior river, opposite the town of Tuscaloosa, approved, January 2d, 1883; also an act to fix the fees of county surveyors.

The bill, from the senate, to be entitled an act, to authorize the governor to appoint a private secretary, was read a second time. mr Rather moved to strike out "\$250" which was lost; the bill was then ordered to be engrossed for a third reading,

Engrossed joint resolution from the senate, proposing an amendment to the constitution of the State of Alabama, so as to authorize the election of judges of the county court by the qualified electors of each county, was read a second time. The question then was on its being ordered to a third reading and determined in the affirmative. Yeas 30, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Armbruster Barron Beene Brown of J. Brown of M. Carithers Chamberlain Creagh Evans Farrar Fortson Gardner Hollis Horton Johnson Jones of M. Jones of T. Lawson Lee Mason McDavid Miree Musgrove Norwood Porter Richardson Simmons Stewart Taylor and Walker.

Those who voted in the negative, are messrs Speaker Bonham Carmack Davis Fleming Harkins Hall of B. Hopkins Houston Hudson Oliver Rather Sanders of D. Sanders of L. and T. Williams.

Mr Davis made the following report: The committee on enrolled bills have examined and found correctly enrolled, the following bills: an act to distribute the funds arising from the sale of the 16th sections in the Tennessee valley; an act to exempt revolutionary soldiers from paying taxes; an act concerning evidence.

Message from the senate by mr Conner: mr Speaker—The senate have passed bills from the house of representatives of the following titles: an act authorizing and requiring the assessor and tax collector of Baldwin county, for the year 1834, to assess and collect the taxes that was due from said county for the year 1833, and for other purposes; an act for the relief of Mitchell McFarland; an act to abolish and establish certain election precincts; and have amended the same, in the the first section by striking therefrom, so much as discontinues an election precinct at the house of John Gray; also stricken out "Harison," and insert "Thomason," to strike out "Springfield" and insert "Springhill," strike out "James Derden" and insert "Robert Bell," in all of which the concurrence of the house is asked.

The bill entitled an act the better to regulate the sale of wooden clocks, was read. Mr Hudson moved to amend the bill with the following "or a lease for any number of years." Mr Simmons moved to amend by adding "and tin ware." Mr Garmack moved to refer the bill to a select committee, lost. The bill was then referred to the committee on ways and means.

And then the senate adjourned to 7 o'clock this evening.

Night session, 7 o'clock.—Mr Miree made the following report: The committee on enrolled bills have examined and found correctly enrolled, an act to incorporate the Cahawba and Marion rail-road company.

Message from the senate by Mr Conner: Mr Speaker—The senate concur in the amendment made by the house to the bill to reduce the tax fees of the attornies of the bank of the State of Alabama; also in the amendments made to the bill to incorporate the Cahawba river bridge company; also in the amendment made, by the house to fix the salaries of the several bank officers. The senate insist in their amendment to the bill, entitled an act, concerning attachments, in striking from the bill the second section. The senate concur in the amendments of the house to the amendment of the senate, to the bill, entitled an act, making appropriation for the payment of certain claims against the State of Alabama, striking out "twenty" and inserting "ten" in 17th section; the senate have passed bills from the house of the following titles: an act to authorize Seldon A. McMeans of Lowndes county to practice medicine for two years; an act making appropriations for 1834; an act for the relief of Edward Jones and James P. Poston; an act to repeal in part an act, now in force, confining the collection of debts before justices of the peace in the beat where the contracts were made; an act to provide for keeping the State capitol and the furniture therein; an act to allow the executors of William Murrell half pay for a slave killed while under sentence of death; an act to regulate the mode of computing interest in certain cases; an act to prevent the imprisonment of females; an act to attach the militia of Sumpter county to the 6th brigade of Alabama militia.

Mr Carithers made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act to incorporate the Centreville light horse company; an act for the punishment of certain offences committed upon the territory ceded by the Creek tribe of Indians to the United States of America; an act to amend the militia laws of this State, so far as they relate to the 15th regiment in Jefferson county; an act altering the time of holding the several circuit courts in the first judicial circuit; an act to prevent directors of banks from acting as attornies for banks; an act to repeal in part and amend the law relating to apportionments of hands to work on public roads.

Mr Rather made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit: an act authorize John M. Sally, George Grisham and Allen Levi to open and make navigable Bigswamp creek in Lowndes county; an act making appropriations for the payment of certain claims against the State of Alabama; an act authorizing and requiring the assessor and tax collector of the county of Baldwin, for the year 1834 to assess and collect the taxes that were due from said county for the year 1833, and for other purposes; an act to fix the fees of county surveyors; an act for the relief of John B. McGill Allister, sheriff of Greene county; an act for the relief of Mitchell McFarland; an act to amend an act entitled an act to incorporate a company to build a toll bridge across the Black Warrior river, opposite the town of Tuscaloosa, approved January 2d, 1832.

Message from the senate by mr Conner: mr Speaker—The senate have passed bills from the house of representatives of the following titles: an act to reduce the number of days that hands shall be subject to work on public roads in the county of Blount, and for other purposes; an act to fix the salary of the solicitor of the first judicial circuit; an act to authorize William Johnson to erect a saw and grist mill on the Cahawba river.

On motion of mr Hudson the orders of the day were postponed until the first Monday in March next.

Mr Sanders of L. offered the following resolution: *Resolved*, That the clerk of this house inform the senate that they have disposed of all the business before them, and will be ready to adjourn *sine die*, at 8 o'clock on tomorrow morning. mr Hudson moved to lay the resolution on the table which was lost. The resolution was then adopted.

Ordered, that the house concur in the amendment of the senate to the bill entitled an act to abolish and establish certain election precincts therein named.

Ordered, that the house concur in the amendment of the senate to the bill, entitled an act, to amend an act concerning attachments, approved, January 12th, 1833.

And then the house adjourned to half past 7 o'clock to-morrow.

Seven o'clock, Saturday Morning, Jan. 18, 1834.—Mr Rather made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit: an act to fix the salaries of the several bank officers; an act to provide for the printing and distribution of the laws and journals of this State; an act to organize a legion of volunteers for the city and county of Mobile; an act to reduce the tax fees of the attorneys of the bank of the State of Alabama and its branches and for other purposes; an act to authorize the bank of the State of Alabama and its several branches to issue post notes.

A message was received from his excellency the governor, by James I. Thornton, Esq. secretary of State, which was as follows:

Secretary of State's office, Tuscaloosa January 19th, 1834.

Mr Speaker: I am requested by the governor to inform your honorable body that he did on the 16 inst. approve and sign the following bills; an act to repeal an act entitled an act to regulate the payment of petit jurors in the county of Baldwin, and for other purposes; an act to amend an act incorporating the town of Huntsville, passed January 9th, 1828; an act to form a company beat of militia of a less number of privates than forty, in the county of Tuscaloosa; an act to provide a fund for compensating the grand and petit jurors of the county of Marion; an act to divorce certain persons therein named; an act to ratify and confirm the acts of the commissioners of the 16th section, 6th range and township; an act to authorize William Wilson to emancipate certain slaves therein named; an act to establish a road therein named; an act to authorize Peyton Bibb to erect a wharf on the Alabama river at a place therein named; an act to incorporate the trustees of the Centreville academy in the county of Bibb; an act to authorize Thomas Pugh clerk of the circuit court, and James G. Coleman clerk of the county court to keep their offices at the town of Louisville in the county of Barbour; an act for the relief of Solomon Evans; an act for the relief of John Mangon; an act divorcing Ebenezer Whiting from his wife Lucy M. Whiting; an act better to regulate the Huntsville guards; an act for the relief of William Hester tax collector of Franklin county; an act for the relief of Henry Stovall; an act permanently to locate the seat of justice in Franklin county, and for other purposes; an act to provide for the payment of certain expenses therein named; joint resolution authorizing and requiring the cashier of the branch of the bank of the State of Alabama at Mobile, to check on the branches at Doatour and Montgomery for their proportion of the amount paid to George S. Gains Esq; and on the 17 inst.: an act the more effectually to secure the administration of justice in criminal cases; an act providing additional compensation for the judge of the county court of Baldwin county; an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and also that of the bank of Mobile; an act to define and mark the line between the counties of Greene and Pickens; an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka; an act to incorporate the Tusculum rail road insurance company; an act to extend to the Warrior guards certain privileges granted to the Cahawba guards, by the act passed 28th December 1831; an act to authorize certain persons therein named to charge toll at the western end of the bridge across the Chattahoochee river opposite Columbus Georgia; an act to reduce the number of jurors to be drawn and summoned in future to attend the circuit court in the county of Fayette; an act to change the time of holding the circuit courts of the second judicial circuit; an act for the relief of the captain of the perseverance fire engine company No 1 of the city of Mobile; an act making it the duty of the commissioners of roads and revenue of certain counties therein named.

to select one quarter section of land for the use of said counties; an act making it the duty of the sheriff, coroner or other officers holding the election of the different counties in this State, to take the sense of the people in relation to the expediency of establishing a penitentiary: an act to repeal in part an act entitled an act to regulate the rate of interest passed December 17th 1819: and on the 18th instant, an act to prevent the imprisonment of females: an act for the relief of Edward Jones and James P. Poston: an act to repeal in part act now in force confining the collection of debts, be for a justice of the peace in the beat where the contract was made: an act to authorize John Baldrige and his associates to turnpike a road therein mentioned: an act to authorize Seldon A. McMeans of Lowndes county to practise medicine for two years: an act to allow the executors of William Murrell half pay for a slave killed while under sentence of death: an act to change the names of certain persons therein named, and for other purposes: an act to establish certain election precincts therein named: an act to amend the charter of the bank of the State of Alabama and its several branches: an act to fix the salary of the solicitor of the first judicial circuit: an act to authorize William Johnson to erect a saw and grist mill on the Cahawba river: an act to change the time of holding the circuit courts in the counties of Randolph and Benton: an act to attach the militia of Sumpter county to the 60th brigade of Alabama militia: an act for the better organization and regulation of the 40th regiment 15th brigade and 6th division of Alabama militia: an act to divorce certain persons therein named: an act to authorize the judges of the county courts to emancipate slaves: an act to authorize a lottery for the improvement of the public square and streets in the town of Florence in the county of Lauderdale: an act providing for the election of public buildings in Monroe county: joint memorial of the legislature of the State of Alabama to the congress of the United States: an act to incorporate the trustees of the Alabama institute of literature and industry: an act declaratory of the law concerning contempt of court: an act to prevent injury to rail roads: an act to incorporate the town of Wetumpka: joint memorials to the congress of the United States: an act for the relief of Vienna Jolly: an act to regulate the rate of ferriage at the ferry near Vernon Autauga county: an act providing for reporting the decisions of the supreme court: an act for the relief of the purchasers of the university lands: an act to authorize Kinny Pool to get coal from the bed of the Warrior river, and for other purposes: an act for the temporary relief of certain persons indebted to the bank of the State of Alabama: an act for the better regulation of roads. All of which originated in the house of Representative.

On motion of mr Sanders of D. the house adjourned to half past eight o'clock.

Mr Rather made the following report: The committee on enrolled bills have examined and find correctly enrolled bills of the following titles to wit: an act making appropriations for the payment of certain claims against the State of Alabama; an act to prevent the imprisonment of females; an act to regulate the mode of computing interest in certain cases; an act providing for the keeping of the State capitol and the furniture therein.

Message from the senate by mr Oppelt: mr Speaker—The senate recede from their amendment to the bill, entitled an act, to authorize the president and directors of the bank of the State of Alabama to pay off the certificates of State stock issued in conformity of a law of 1823. The senate have passed bills from the house of representatives of the following titles: an act compensating John G. Aikin for certain services therein named, which they have amended as therein shown; an act to amend the charters of the bank of the State of Alabama and its several branches; an act to change the time of holding the circuit courts of the counties of Benton and Randolph; an act to change the names of certain persons therein named, and for other purposes; engrossed joint resolutions to the congress of the United States requesting the right of a grant of land for each township, wherein the 16th sections have proved valueless; joint resolutions relating to the books of the trustees of the University, and for other purposes.

Ordered, that the house concur in the amendment made by the senate to the bill, entitled an act, compensating John G. Aikin for certain services therein named.

Mr Davis made the following report: The committee on enrolled bills have examined and find correctly enrolled the following bills, to wit: an act to authorize William Johnson to erect a saw and grist mill on the Cahawba river; an act to fix the salary of the solicitor of the first judicial circuit: an act to change the times of holding the circuit courts in the counties of Randolph and Benton; joint memorial to the congress of the United States requesting the right of a grant of land for each township wherein the 16th

section have proved valueless; joint resolutions relating to the books of the trustees of the University, and for other purposes; an act to change the names of certain persons therein named and for other purposes; an act to authorize and require the president and directors of the bank of the State of Alabama to pay off State stock, issued in conformity of a law of 1823; an act to amend the charter of the bank of the State of Alabama and its several branches; an act compensating John G. Aikin for certain services therein named.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled bills of the following titles viz: an act for the relief of Edward Jones and James P. Poston; an act to reduce the number of days that hands shall be subject to work on public roads in the county of Blount and for other purposes; an act to authorize John Baldrige and his associates to turnpike a certain road therein mentioned; an act making appropriations for the year 1834; an act to authorize Seldon A. McMeans of Lowndes county to practice medicine for two years.

Mr Houston made the following report: The committee on enrolled bills have examined and find correctly enrolled the following bills, viz: an act to attach the militia of Sumpter county to the 6th brigade; an act to allow William Murrell half pay for a slave killed while under sentence of death; an act to repeal in part an act now in force confining the collection of debts before the justice of the peace in the beat where the contract was made; also an act to abolish and establish certain election precincts therein named.

Mr Rather offered the following resolution: *Resolved*, That a committee be appointed on the part of the house of representatives, to act with such committee as may be appointed on the part of the senate, to wait on his excellency the governor and inform him that the two houses of the general assembly will be ready to adjourn *sine die* at ten o'clock this day, if he has no further communication to make to them; which was adopted, and messrs Rather, Sanders of L. and Houston appointed said committee. *Ordered*, that the clerk acquaint the senate therewith.

Mr Carithers made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill of the following title: an act to incorporate the Cahawba river bridge company.

A message from the senate by mr Oppelt: mr Speaker—The senate concur in the resolution from the house of representatives in appointing a committee to wait on his excellency the governor, informing him that the two houses of the general assembly will be ready to adjourn *sine die* at ten o'clock this day, and have appointed on their part messrs McVay, Chapman and Pickett.

Mr Rather made the following report: The joint committee appointed to wait on his excellency the governor and to inform him that the two houses of the general assembly will be ready to adjourn at ten o'clock this day, have performed that duty, and returned for answer that he has no further communication to make.

Mr M. D. Williams offered the following: *Resolved*, That the clerk of this house inform the senate that they have disposed of all the business before them, and are now ready to adjourn *sine die*, in ten minutes, which was adopted.

Message from the senate by mr Oppelt: mr Speaker—The senate have adopted the following resolution: *Resolved*, That the house of representatives be informed that the senate have gone through all the business before them and are now ready to adjourn *sine die*.

Mr Williams moved that the house adjourn *sine die*, which was carried.
The house then adjourned *sine die*.

SAMUEL W. OLIVER,

Speaker of the House of Representatives.

ATTEST.

T. B. TUNSTALL, Clerk of the House of Representatives.